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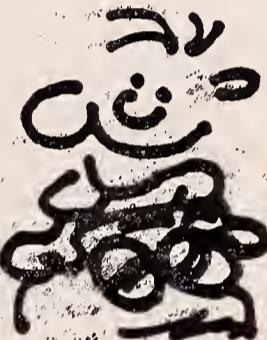
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the
child
care
center
work book



Based on the
Architectural Prototype for Statewide Day Care Facilities
by CityDesign Collaborative, Inc.



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Thanks to:

John I. Carlson, Jr., Deputy Commissioner, DCPO

Nancy Stack, Director of Policy Coordination

Deborah Poodry, Director, Office of Programming

and Office of Programming staff.

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INTRODUCTION

This workbook was designed to provide assistance to individuals, agencies and institutions interested in establishing an on-site child care center for employees of the Commonwealth of Massachusetts. It will help to:

1. Determine the number of children the center should serve;
2. Select a new building site or renovation space which will meet the Office for Children (OFC) regulations and state building codes;
3. Determine the amount of building space needed;
4. Estimate the construction and operating costs;
5. Prepare an application to the Division of Capital Planning and Operations, Office of Programming, for a technical architecture and engineering feasibility/design study, complying with the requirements of Chapter 579¹, which will support your agency's request in the next Capital Outlay Budget; and
6. Request funding, if necessary, through the Capital Outlay Budget procedure.

This workbook is primarily concerned with planning a center's physical space. Agencies should seek help with curriculum planning, management and operating issues from a child care professional, if possible, from the person who will direct the center. The regional Child Care Resource Centers, listed in the appendix, can be very helpful in planning for the operation of your center. The information found in this workbook is based on work by DCPO, Office of Programming professional staff and the *Study for the Development of Daycare Facilities Statewide*, by CityDesign Collaborative, for DCPO Office of Programming, November 1986, Project # DCP 85-6STU.

¹ Chapter 579 of Massachusetts General Laws mandates the completion of a building study to establish the architectural program and facility cost prior to design and construction.

ASSESSING CHILD CARE NEEDS

Most parents working out of the home need child care. An attractive option, for both parents and employers, is an on-site child care center which provides child care at or near the work place. This provides a convenience which benefits both the employee and the employer. An on-site center is convenient for parents. It reduces commuting time and allows easy access to the child during the day. This convenience encourages employees to re-enter the work force after their children are born and reduces employees' child care concerns, which in turn increases work productivity.

While detailed employee demographics are helpful, the lack of them should not keep you from planning your center. We have found that the size of a child care center is determined by several factors: (1) the extent of need, i.e., the demand for child care among your employees and the availability of other child care in your area; (2) the Office for Children (OFC) staff/child ratios and maximum group sizes and (3) the amount of building space available to you.

Determining the Extent of Need

The best way to determine the extent of need for an on-site child care center is to conduct a survey among your employees. Agencies have found that a survey distributed with employees' paychecks works well. A sample survey form is included in this workbook on the following page.

If you cannot conduct a survey, you can approximate the number of children the center might serve by multiplying the number of employees at your work place (and others who work in the general vicinity and may also need this facility) by 6%. This multiplier is our best estimate (based upon surveys conducted by state agencies within the last year) and is supported by the experience of planners for child care centers in both the public and private sectors.

CHILD CARE SURVEY FORM

1. Does your family use some form of child care now, or do you expect to need child care within the next two - three years?

YES NO

2. Family size. Please write the number of children in your family in each of the age groups listed below:

Infants	(1 - 15 months)	_____
Toddlers	(15 - 33 months)	_____
Preschool	(33 months - 4 years, 9 months)	_____
School Age	(4 years, 9 months - 7 + years)	_____

TOTAL NUMBER OF CHILDREN _____

3. If a child care center were available here at _____, would you use it? Please circle the child or children in question 2 above you would consider sending to our child care center.

The following questions are optional, however it will help us better plan our center if you answer them.

4. What is your gross family income? Check the appropriate amount.

Under \$15,000	_____
\$15,000 - \$25,000	_____
\$25,000 - \$35,000	_____
\$35,000 - \$45,000	_____
\$45,000 - \$55,000	_____
Over \$55,000	_____

5. What are you paying now for child care per child?

Under \$25/week	_____
\$25 - \$50/week	_____
\$50 - 70/week	_____
\$70 - 90/week	_____
\$90 - 110/week	_____
\$110 - 130/week	_____
\$130 - 150/week	_____
Over \$150/week	_____

6. Would you like to be on an organizing committee of parents and agency representatives? If so, please give us your name and contact telephone number.

Implications of the Office for Children Regulations

Once the extent of need, based on the survey or the 6% multiplier, has been determined, you will want to consider the regulations established by the Commonwealth to regulate the provision of child care. These regulations include a section on facilities which influences the overall size of child care centers and the number of children in groups within the center. The Office for Children (OFC) is charged with developing, amending and enforcing the regulations. The children are placed in groups which are defined by age.

<i>Infant :</i>	1 to 15 months
<i>Toddler :</i>	15 to 33 months
<i>Preschooler :</i>	33 months to 4 years, 9 months
<i>School Age :</i>	4 years, 9 months to 7 years

There may be no more than seven infants in one infant group, with one staff person for every three infants, or two for every seven. No more than nine toddlers in one toddler user group, with one staff person for every four, two for every nine. If infants and toddlers are mixed, user group size cannot exceed nine, with no more than three infants in the group and one staff person for every three infants, one for every four toddlers.

The preschool group maximum is twenty children. One staff member is required for every ten children; two for every twenty. If toddlers and preschoolers are mixed, the group size cannot exceed nine with one staff for every four toddlers and one for every ten preschoolers. There may be no mix of preschoolers with infants.

The maximum for the school age user group is thirty with one staff for every fifteen children; two for every thirty.

The basic spatial model for child care centers suggested in this workbook, plans for thirty-six children, separated into three user groups: infants (7), toddlers (9) and preschoolers (20). This prototype is based on recommended activity areas and support functions (i.e., bathrooms and kitchens), circulation and building structure. In situations where child care for more than 36 children is needed, the basic prototype can be doubled, or increased by adding additional activity areas for each user group.

When planning a child care center -- consider the following questions:

- *Will the center serve more or less than 36 children?*

If the number of children is close to thirty-six, you might consider the basic model, with one room for each group. If there are less than thirty-six children, infants and toddlers, or toddlers and preschoolers, can share a room to create a smaller center. If there are more than thirty-six, or if you have determined that there is a greater need for a particular age group, you might consider having more than one group of that age. For instance you might decide to have one infant group, two toddler groups and one preschool group, for a total center size of forty-five children. If your demand is close to seventy or more you should consider doubling the basic model.

- *What is the availability of child care in your area?*

Contact the Child Care Resource Center and find out if, in your area, there is an overall shortage of child care or just for a particular age group. If there is a reasonably good supply you might choose to plan your center conservatively for fewer than the estimated demand or tailor your center to serve the specific needs of the community.

- *What building space is available to your agency?*

The next section in this workbook will give you the space requirements for the numbers of children you would like to accommodate. You should balance the availability of space with the demand, and may need to adjust the number of children you serve accordingly.

Child Care Space Requirements

To provide a high quality child care program, which serves children's developmental needs, an adequate amount of space per child is critical. This space consists of primary activity spaces, other assignable spaces and non-assignable spaces. The space required per child for primary activities is the basic foundation on which child care space regulations are determined.

" Analysis of density and social behavior among children (summarized, Prescott and David, 1976), revealed that high density (under 30 sq. ft./child) produced aggression and less relevant social involvement, while low density (over 50 sq. ft./child) instilled random behavior and low interaction. Densities of 40 to 45 square feet per child maximize positive interaction. There is, therefore, such a thing as too much primary activity space. Gary T. Moore (1979) recommends 42 sq. ft. per child minimum for quality child care. An adequate area for the entire child care facility, excluding outdoor play areas, is 100 sq. ft. per child." ¹

The following chart, Recommended Square Footage For Activity Spaces, summarizes the square footage requirements for the basic model and describes how the total space should be divided into four groupings: specific or primary activity space, support or assignable space, building support or non-assignable space, and a factor for circulation and building structure. If your center varies from the basic model you can simply add or delete spaces to meet your needs, in accordance with the OFC Regulations as outlined previously.

¹ Section 5.01 Architectural Prototype Document, Study for the Development of Daycare Centers in State Facilities, Project # DCP85-6 (R) STU, 1/16/87, CityDesign Collaborative, Inc.

RECOMMENDED SQUARE FOOTAGE FOR ACTIVITY SPACES

Basic Model - 36 children

Square Feet

Preschool

Activity	890	
Cubbies	40	
Casework	65	995

Toddlers

Activity/nap/cots	315	
Diapering	12	
Cubbies	16	
Casework	40	383

Infants

Activity	180	
Nap	122	
Diapering	12	
Cubbies	10	
Casework	30	354

Gross motor room

300

Subtotal Activity Area

2032

Kitchen

120

Laundry

50

Bathing

18

188

Administration

Work/parent/staff	150	
Director/Sickbay	100	250

Toilets

Adults (2 h.c.)	90	
Preschool training toilet (1 h.c.)	45	
Toddler training toilet (1)	20	155

Custodial

25

Storage

140

Mechanical

35

200

Total Program Area

2825

Circulation/structure 27%

760

GROSS BUILDING AREA

3585

Selecting a Location

Once you have established the space requirements for your center, you can select a location or confirm the appropriateness of an already identified location. The criteria below are listed in two categories, site selection -- which addresses the general location of the child care in a larger context, i.e. campus, neighborhood or community; and building space criteria -- which list the characteristics required for a specific building space. Code references are given where applicable. Excerpts of appropriate sections of pertinent codes, including Section 434.0, Day Care Centers of the State Building Code, and the full text of the Office for Children regulations concerning child care facilities are included in the appendix. These codes are current as of September 1988. Since changes do occur, up-to-date copies may be obtained from the State Book Store in the State House, Boston, which is operated by the Secretary of State. Adhering specifically to child care guidelines does not preclude conforming to all other pertinent sections of the State Building Code, Regulations of the Architectural Barriers Board, and the State Plumbing Code.

Site Selection and Design Criteria

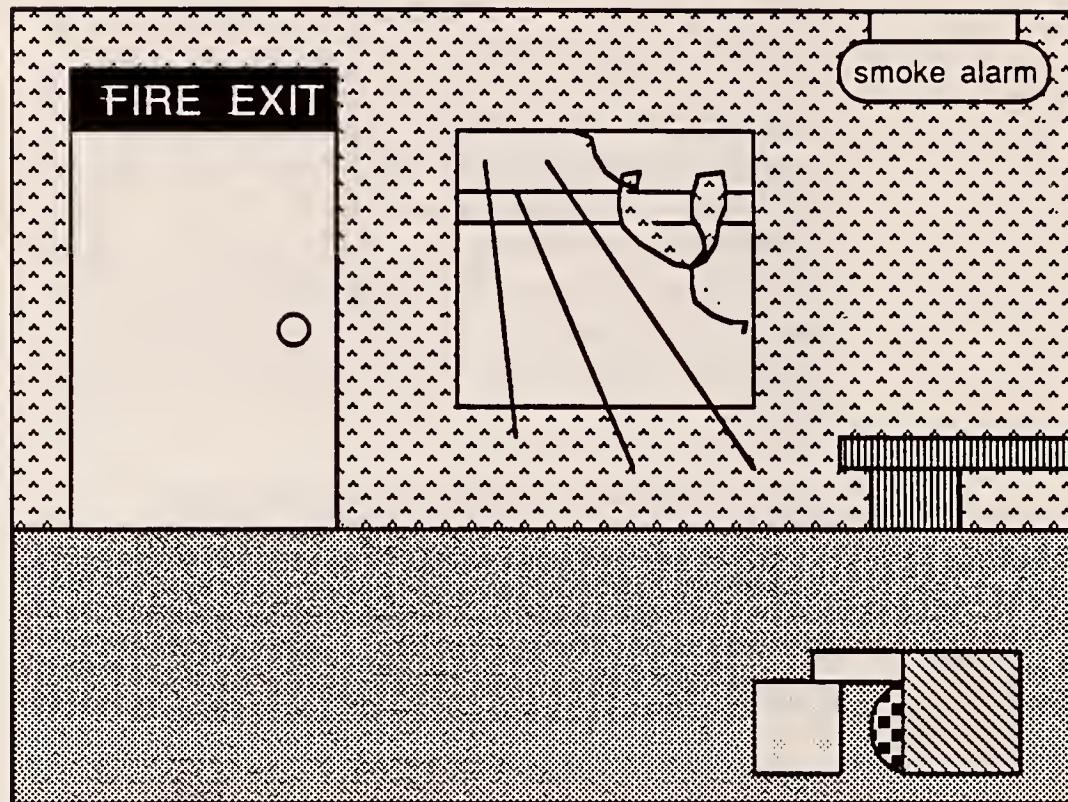
- *Locate* at, or adjacent to, the employees' place of work for convenient drop-off, visiting and infant feeding.
- *Locate* near community resources, including schools, libraries, interesting places of work, shops, museums, galleries, nature areas, zoos, etc.
- *Locate* as far away as possible from arterial streets, busy intersections, railroads, generators of noxious elements, manufacturing facilities and any other hazardous conditions.
- *Locate* in an area easily surveilled, among other "safe" activities. Clearly define the area that is under the center's jurisdiction.
- *Locate* to enhance the image of the center where it can borrow from other positive aspects of the neighborhood; i.e. community facilities, parks, housing, etc... The facility should be sited so that it is visible to motorists, pedestrians, visitors and be clearly recognizable as a child care facility.

- **Locate** where quality outdoor space is available for development of the outdoor play space required by the regulations. The site should have 75 sq. ft. uscable outdoor space per child (using it at a time) and be accessible to direct sunlight. It must be free from hazards (102 CMR Office for Children, Section 7.11 (6)). The space should be well drained, partially shaded and offer protection from harsh wind and rain. Favorable natural features such as trees, plants, water and animals enrich the outdoor experience. Of course, natural elements must be managed and the outdoor space designed safely. The next chapter of this workbook "Outdoor Play Areas" elaborated on this topic.
- **Locate** where convenient, safe vehicular and pedestrian access is possible. Proximity to a one-way drop-off lane, employee parking, and public transportation is desirable. Circulation should be pleasant and not threatening to the child. Separation of pedestrian and vehicular traffic is desirable.
- **Locate** where utilities are available: water and electricity at minimum, and preferably gas and sewer.

Building Space Criteria

- **Location:** Ground floor or basement (but not more than 4 feet below grade) for emergency evacuation requirements. Primary activity spaces for infants and toddlers must be on the ground floor; pre-school age children can be on the second floor. (102 CMR Office for Children, 711 (5)).
- **Barrier Free:** Allowing access for physically disabled children, parents and staff. (Regulations of the Architectural Barriers Board).
- **Egress:** Two separate and independent means of egress, remote from one another and leading directly to grade. (Section 434.6 State Building Code).
- **Safe:** Not located in the same building with, or within 200 feet of a high hazard occupancy (Section 434.2 State Building Code, see Chapter 2 for definitions of "high hazard" and "moderate hazard" occupancies).
- **Sprinklers:** All child care centers are required to have a fire suppression system (sprinklers), unless the center is located at grade level and each activity area has an egress directly to grade, without passing through a corridor or adjacent activity area.

- **Alarms:** Building, when renovated, should have fire alarm systems and smoke detectors (Section 434.10 State Building Code).



- **Free of Hazardous Materials:** Lead paint, asbestos and formaldehyde can be removed during the course of renovation but must be done so according to regulations requiring special handling and disposal. The licensee must assure that the center and the grounds are free of lead paint by obtaining an inspection certificate from the local board of health or the State Department of Health.
- **Secure:** or securable through renovation.
- **Good Ventilation and Natural Light:** Utilities should have operable plumbing with hot (maximum 120 degrees Fahrenheit) and cold water, electricity and heating. Air conditioning is essential in at least the primary activity areas. The building must have windows for a good source of natural light, as prescribed in the State Building Code (Chapter 6).
- **Toilet Facilities:** The finished building space must have at least one "training toilet" and wash basin for every twenty children in one or more well-ventilated bathrooms (102 CMR: Office for Children 7.11 (7)). As of recently, the OFC now requires that at least one of the preschooler training toilets be handicapped accessible. The Plumbing Code stipulates two adult toilets, one for each sex (2.10 Table 2), and because unisex toilets are prohibited (2.10 19 (e)), both must be handicapped accessible, or the facility must provide two conventional toilets and one additional unisex handicapped toilet. The OFC now requires half-height partitions for training toilets toilets.

OUTDOOR PLAY AREAS

"The design and development of outdoor play space is an important part of the success of any child care facility. Indeed, the only difference between indoor and outdoor activity space is that one has a roof over it. Each needs architectural definition, and each needs to provide for the full range of children's developmental requirements."¹

Play equipment alone is not enough to meet the needs of growing children. An outdoor play area should support cognitive and creative play, full-body activity, group and quiet play. Within the play area there should be separate activity zones with the appropriate equipment and materials in each. These include water, sand, dirt, plants, hard and resilient surfaces and equipment for climbing, swinging and sliding. There should be a variety of enclosed spaces both for children's comfort as well as for exploration.

Safety is an important consideration in planning an outdoor play area. Access to the play area should not require that children cross a street, and areas will need to be fenced when adjacent to any hazard. Children should be protected from environmental hazards such as exterior lead paint, auto air pollutants and poisonous plants. Most playground injuries could be avoided by careful selection and placement of equipment and resilient surfaces, regular maintenance, and adequate adult supervision.

Office for Children licensing regulations require a minimum of 75 square feet of outdoor space per child (Chapter 7.11 (6)). DCPO suggests that separate play areas be provided for preschoolers and infants/toddlers, and that these be located with direct access from the corresponding activity areas. In addition, OFC requires complete visibility from staff stations.

The following three outdoor play options suggest a range of outdoor spaces and activities based on the Basic Model with 36 children. While all options are developed for infants, toddlers and preschool children, each responds to different site and cost variables. Option I is considered acceptable but not preferable. Limited in its play areas, this option works best in conjunction with natural open space amenities such as fields, trees, rocks. Option II provides enough contained space and amenities to work well without additional open space. Option III incorporates more land and accommodates a full range of activities.

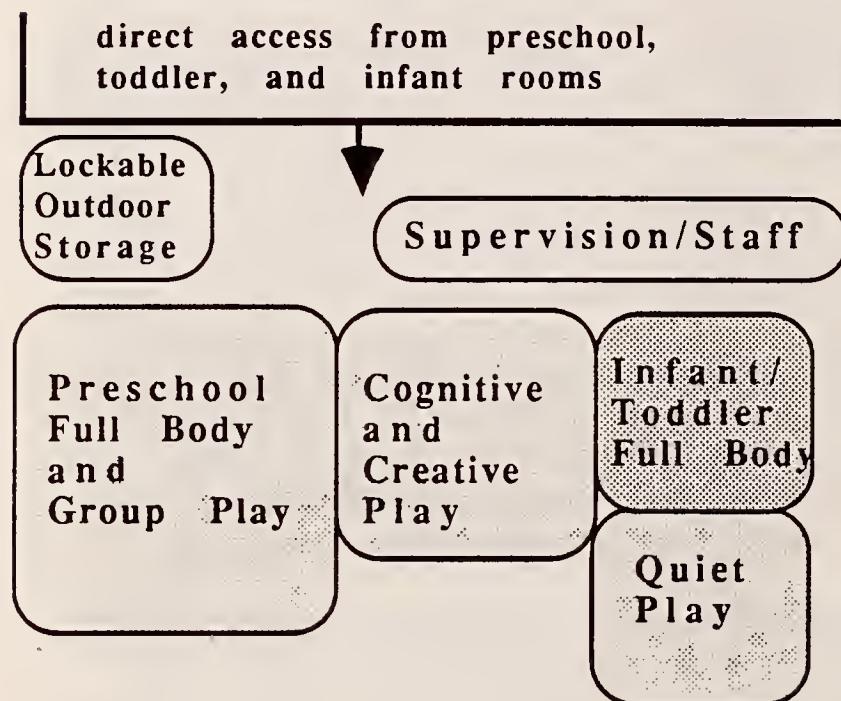
With regard to specific child care models, the After School Model requires an informal open playing field (about 5,000 sf) or access to official playing fields. The Double Module requires doubling the selected outdoor play area.

OUTDOOR PLAY AREA - OPTION I

Area 1,500 square feet

The minimum space required by OFC is 75 sf per child playing at one time. For the Basic Model 20 preschool children need to be accommodated at one time.

Diagram



Activity Summary

Preschool children, Toddlers and Infants

Full body and group play includes a play structure for sliding, swinging, climbing and group play. The structure should be sized for preschool children and surrounded by a resilient material such as sand or rubber surfacing.

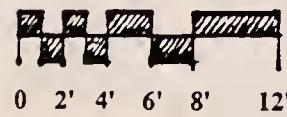
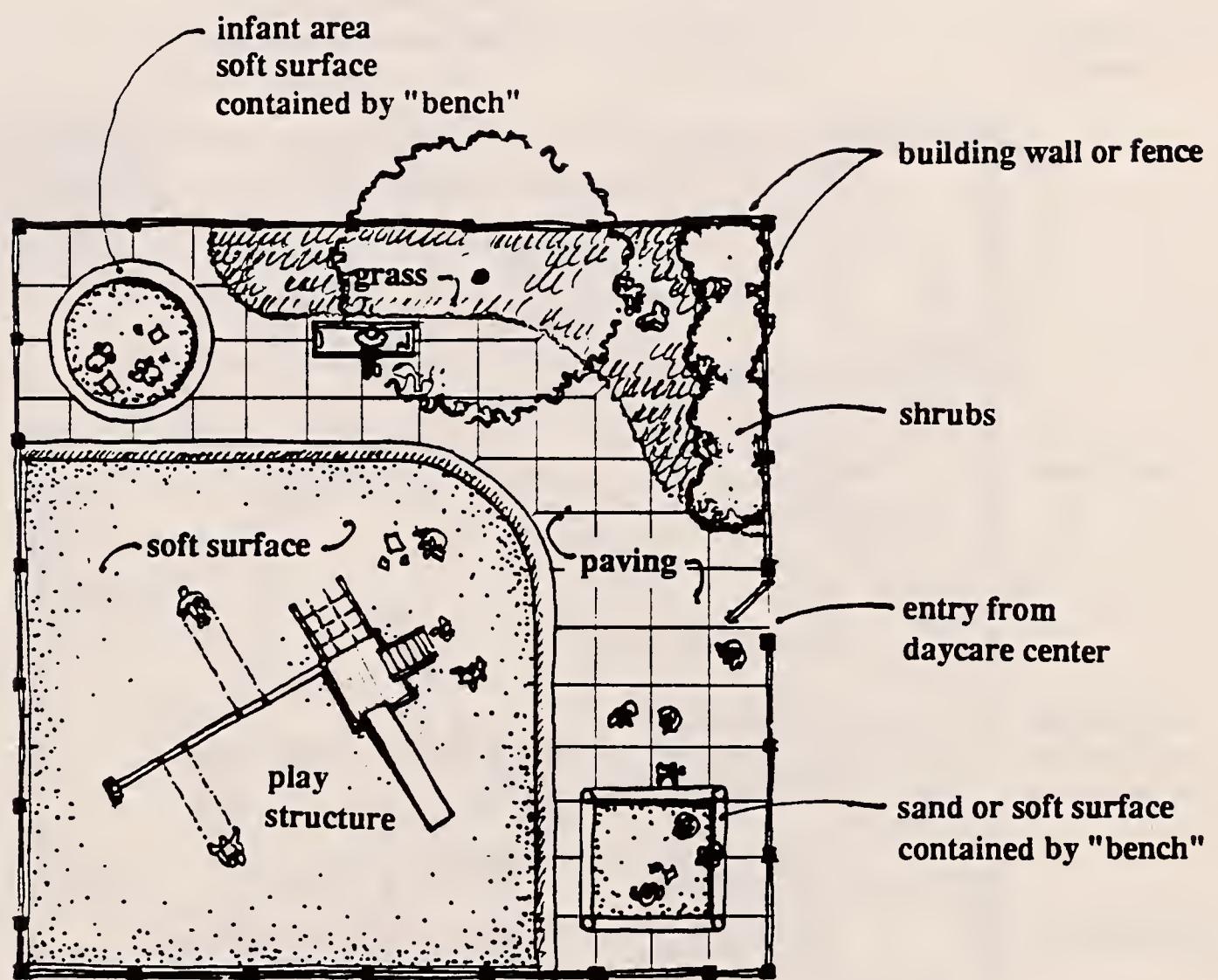
Cognitive and creative play includes a paved area for building blocks and toys and a sand box.

Quiet play includes a small area of grass and plants.

A bench is provided along perimeter of play area. The entire area is enclosed by fence or building wall.

OUTDOOR PLAY AREA - OPTION I

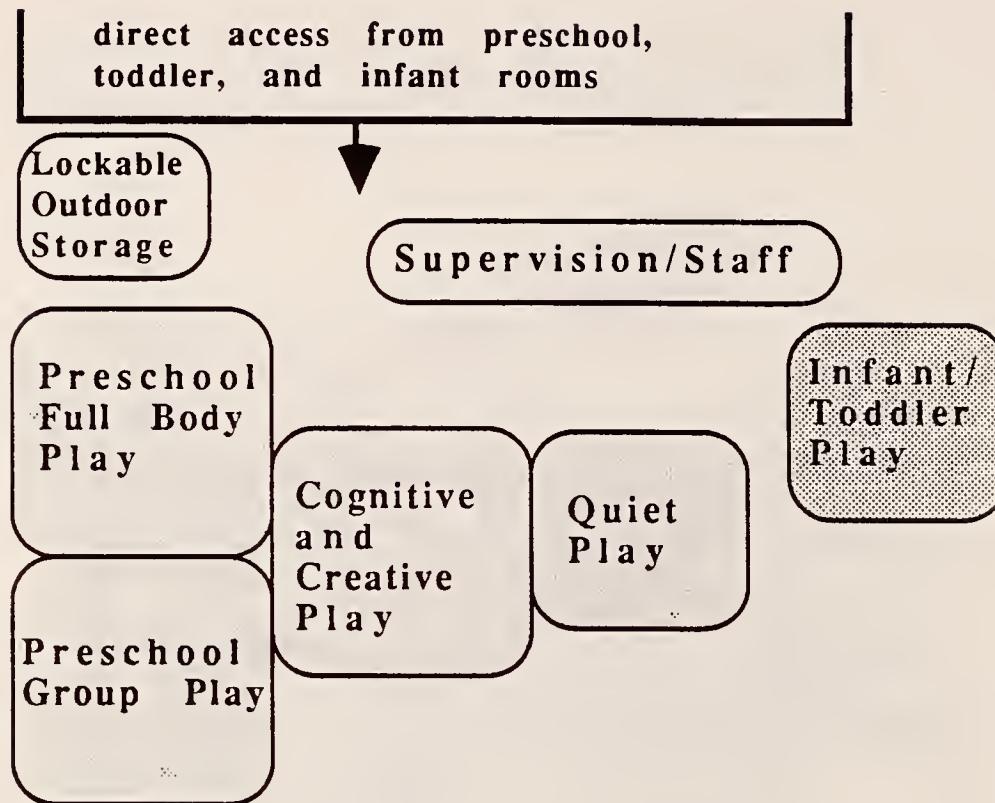
Example Illustration



OUTDOOR PLAY AREA - OPTION II

Area approximately 2,500 sf

Diagram



Activity Summary

Preschool Area

Full body play includes a play structure for sliding, swinging and climbing.

Group play includes a play house.

Cognitive and creative play includes a sand box, water source, table and paved area for building blocks and toys.

Quiet play includes a private space with grass and plants.

A bench is provided along perimeter of play area. The entire area is enclosed by fence or building wall.

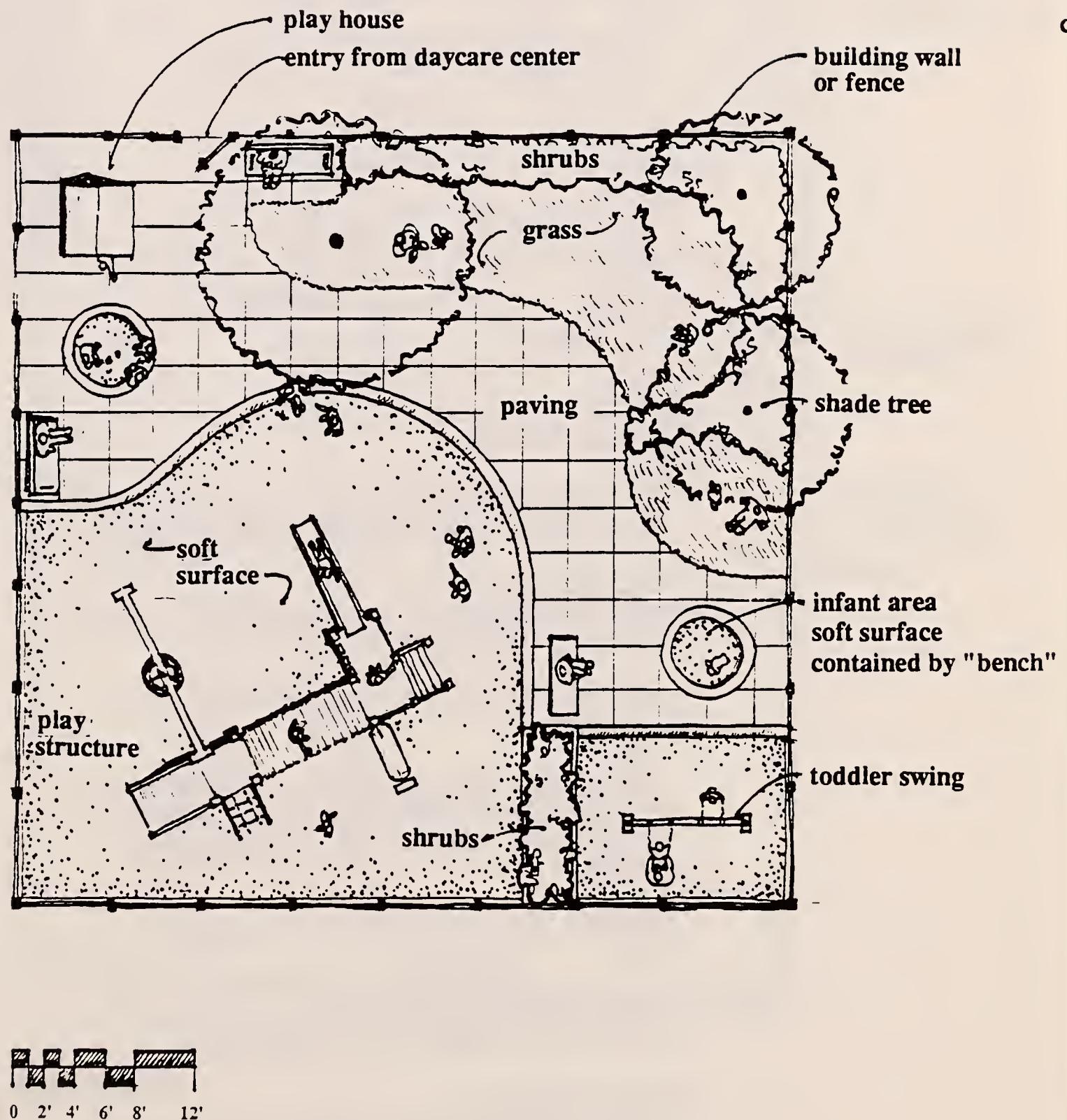
Infant/Toddler Area

Area includes swings, soft surface to crawl on, and shade.

A bench is provided along perimeter of play area. The entire area is enclosed by fence or building wall.

OUTDOOR PLAY AREA - OPTION II

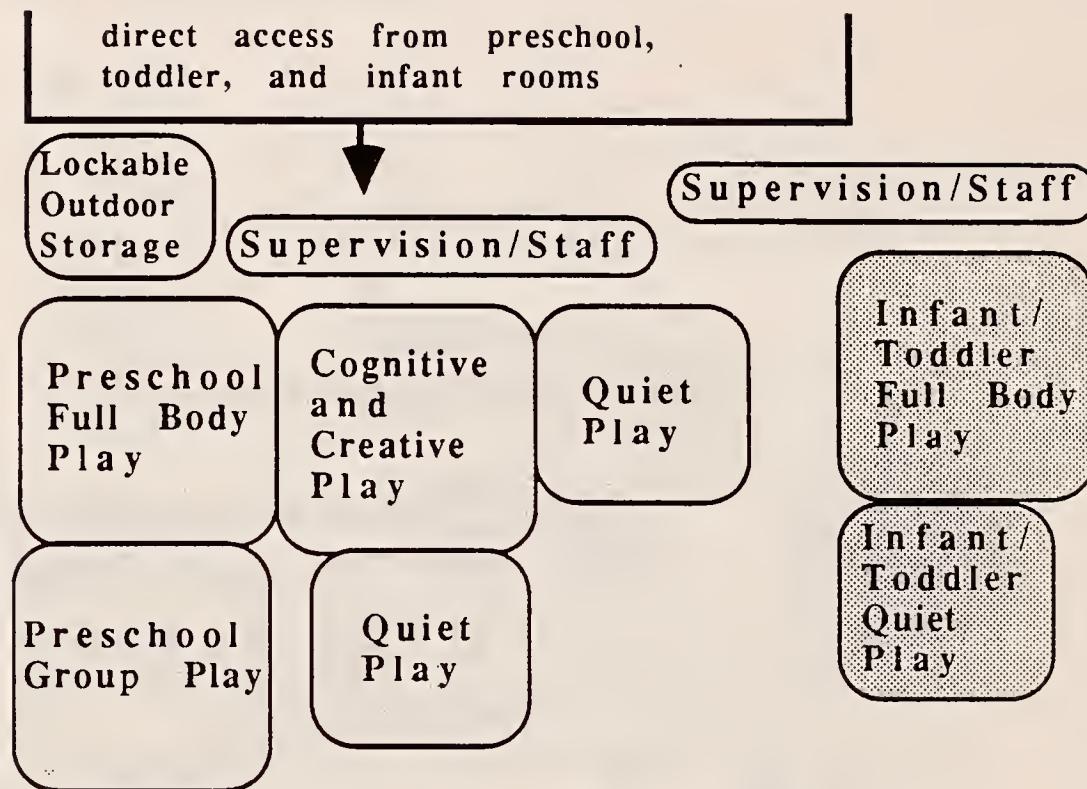
Example Illustration



OUTDOOR PLAY - OPTION III

Area approx. 3,500 sf

Diagram



Activity Summary

The types and relationships of play areas are the same as Option II but are expanded to include more activities.

Preschool Area

Full body play includes a play structure plus separate swings and a slide.

Group play includes a play house and an open area for group games.

Cognitive and creative play includes a sheltered crafts area with tables and storage, paved area for toys and building blocks, sand box, water play area and area for gardening.

Quiet play includes two areas with trees, shrubs and grass.

A bench is provided along perimeter of play area. The entire area is enclosed by fence or building wall.

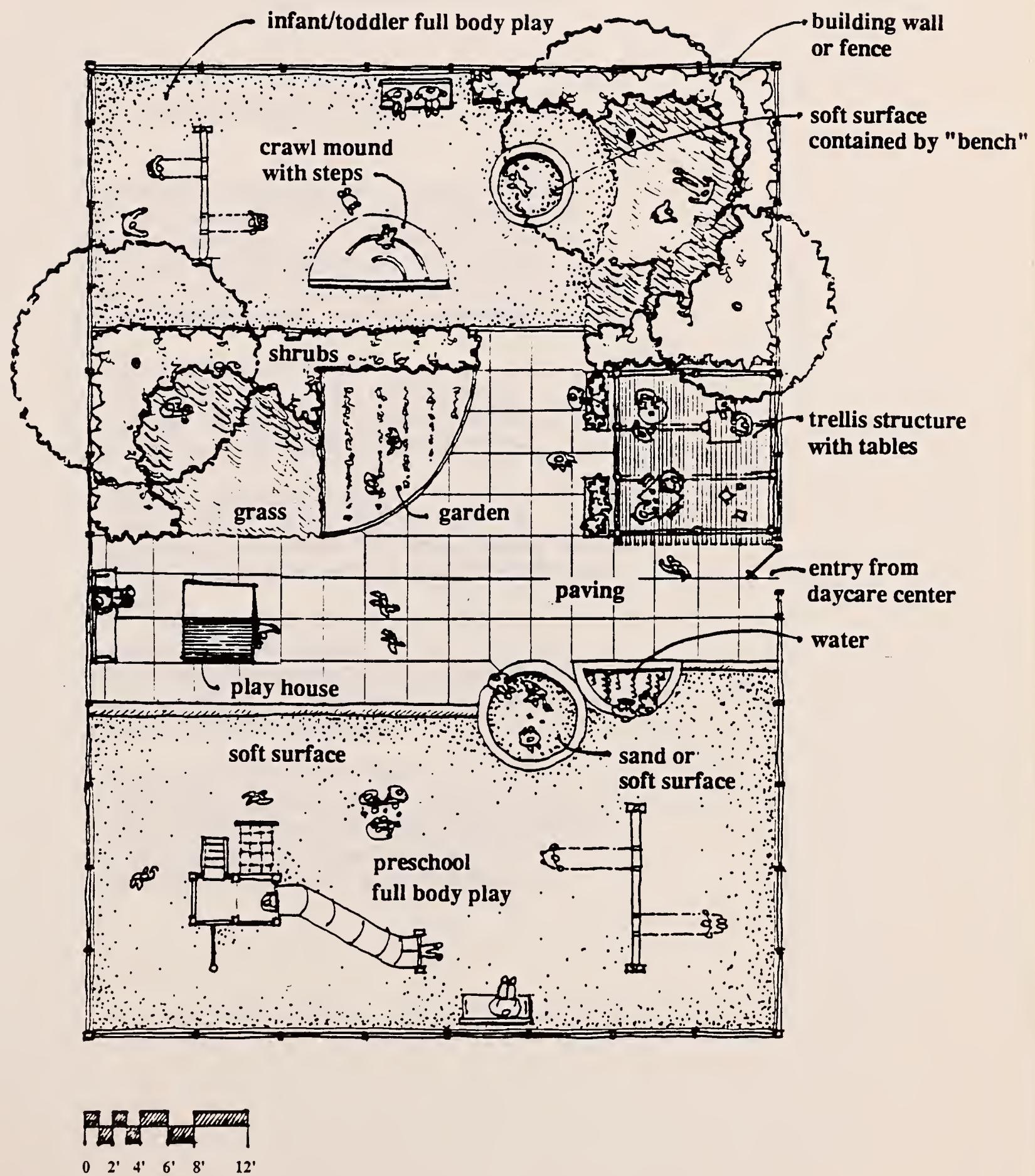
Infant/Toddler Area

This area includes swings, a defined area for crawling, mound and steps for crawling/walking, grass area, trees, and shrubs.

A bench is provided along perimeter of play area. The entire area is enclosed by fence or building wall.

OUTDOOR PLAY - OPTION III

Example Illustration



PROTOTYPE PROGRAMS

The four prototypical architectural programs which follow are presented to show the relative areas, major spatial relationships and basic circulation of the child care centers. They are diagrams and will require a designer to adapt them to specific locations. They address a range of space sizes and operating possibilities.

- **PROTOTYPE PROGRAM**

Basic Model -- 35 sq. ft per child for primary activities. Serving 30 - 36 children (infants, toddlers and preschoolers) during day time work hours.

- **AFTER SCHOOL MODEL**

Basic Model + After School Room. Serving approximately 10 children after school, during holidays and summers, in addition to the Basic Model Prototype Program.

- **DOUBLE SHIFT MODEL**

Basic Model Serving 30-36 children (infants, toddlers and preschoolers). Could operate twenty-four hours a day or from 6 a.m. to midnight.

- **DOUBLE MODULE MODEL**

Consisting of two Basic Model activity areas, with shared administration and building support functions. Serving 72 children (infants, toddlers and preschoolers) during the day time work hours.

Prototype Program - BASIC MODEL

30-36 children:	7 infants 9 toddlers 20 preschoolers
-----------------	--

The Basic Space Standards for various center components are:

35 sq. ft. per child primary activity space
25 sq. ft. per child assignable space
15 sq. ft. per child non-assignable space
75 gross sq. ft. per child NET PROGRAM AREA

plus 25% circulation/structure = GROSS AREA

This model follows the Office for Children regulations for the State of Massachusetts which requires "a minimum of 35 square feet of activity space per child."

Design

- For food and snack preparation, a kitchen or sink and counter with portable appliances may be used. The infant area should have small refrigerator set above the floor for milk and formula.
- Office space will be needed for administration, storage of confidential records, medical supplies, and sick bay.
- Limited space requires the efficient design of entry areas and storage for bulk supplies.

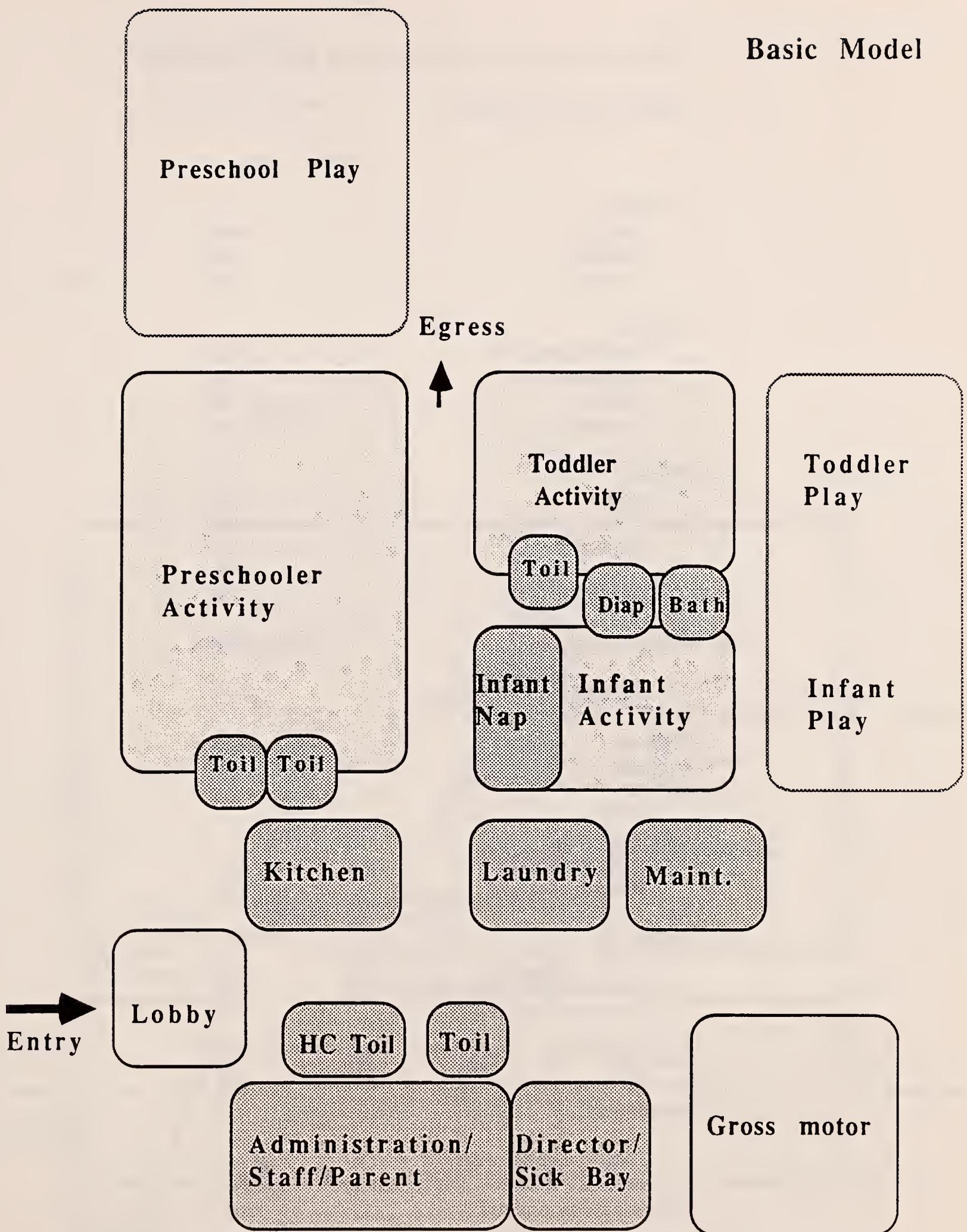
Toilets and Sinks

- 1 toilet and 1 sink minimum for every 20 children, according to OFC regulations. One preschooler toilet must now be handicapped accessible. This model proposes three bathroom areas -- one area for adult bathrooms, which also must provide for handicapped access, and two areas with child-size fixtures -- "training toilet". Training toilets should have half-height partitions. (See page 10 of the Workbook)
- Two sinks are suggested for infants and toddlers in the activity area; 1) clean-up and food preparation, and 2) diapering and clean-up;
- 1 sink in preschool room.

Sleeping

- Infants: sleep area separate from the play space.
- Toddlers and Preschoolers: sleep in the group areas.

Basic Model



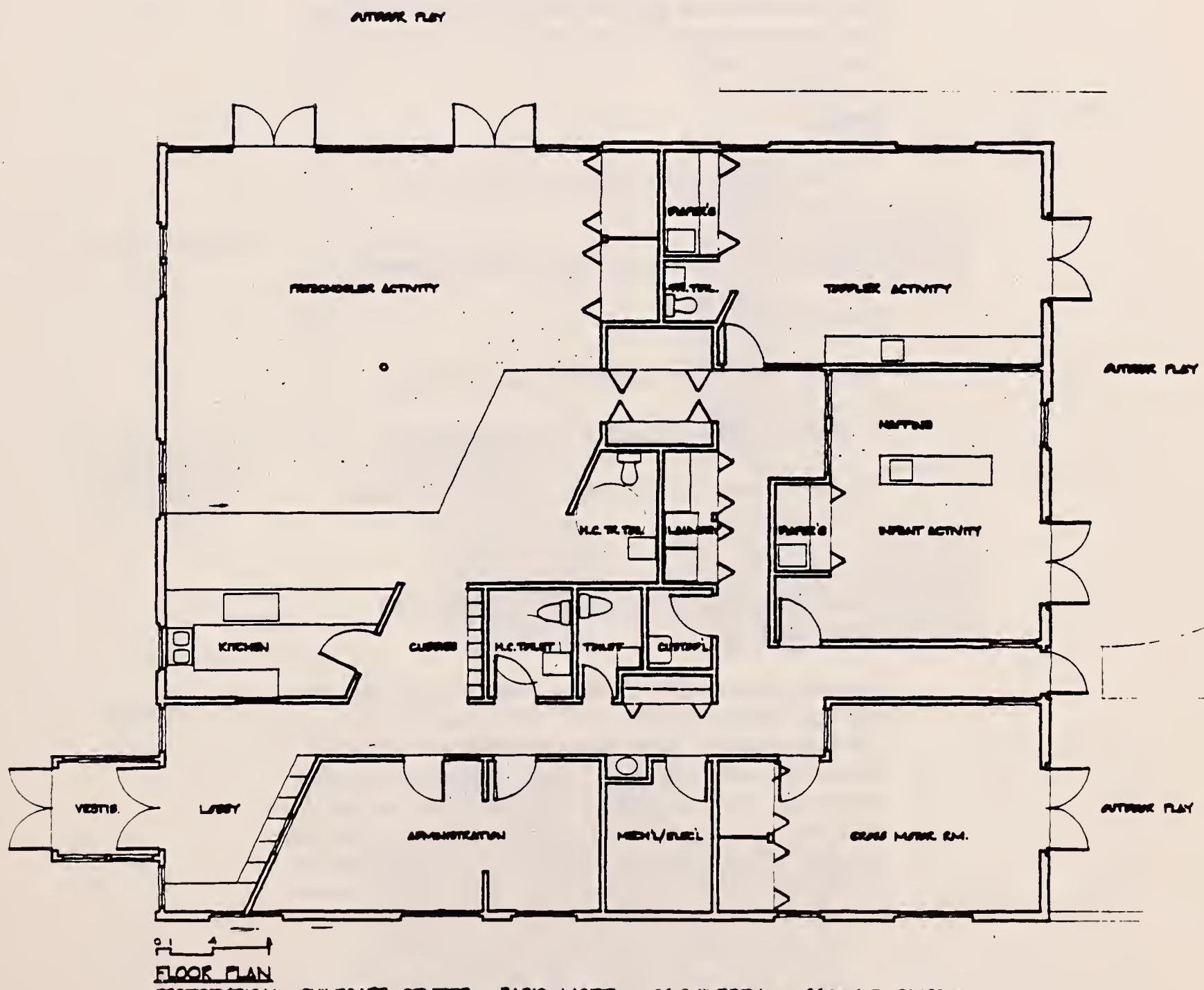
CHILD CARE CENTER PROGRAM REQUIREMENTS

Basic Model - 36 children

	Square Feet
Preschool	
Activity	890
Cubbies	40
Casework	65
	995
Toddlers	
Activity/nap/cots	315
Diapering	12
Cubbies	16
Casework	40
	383
Infants	
Activity	180
Nap	122
Diapering	12
Cubbies	10
Casework	30
	354
Gross motor room	300
Subtotal Activity Area	2032
Kitchen	120
Laundry	50
Bathing	18
	188
Administration	
Work/parent/staff	150
Director/Sickbay	100
	250
Toilets	
Adults (2 h.c.)	90
Preschool training toilet (1 h.c.)	45
Toddler training toilet (1)	20
	155
Custodial	25
Storage	140
Mechanical	35
	200
Total Program Area	2825
Circulation/structure 27%	760
GROSS BUILDING AREA	3585

BASIC MODEL

Example Illustration



After School Model: Indoor Space Requirements For Daily Operation

Basic 36 Child Model + 10 Afterschool age children

The demand for after school care is difficult to predict. It is best to set up programs on a case by case basis. Children 4 years, 9 months to 7 years may not be in groups larger than 30 (7:08 (17)(a).) The OFC is currently drafting regulations for after school care. For purposes of illustration, this model assumes an after school population of ten children, 35-50 sq. ft. per child, in a separate room. The gross motor, or resource area, of the recommended model could support an after school area if an additional room is not possible.

Design

- Environment where both quiet activities and physical play can occur.
- Access to kitchen and food preparation resources.

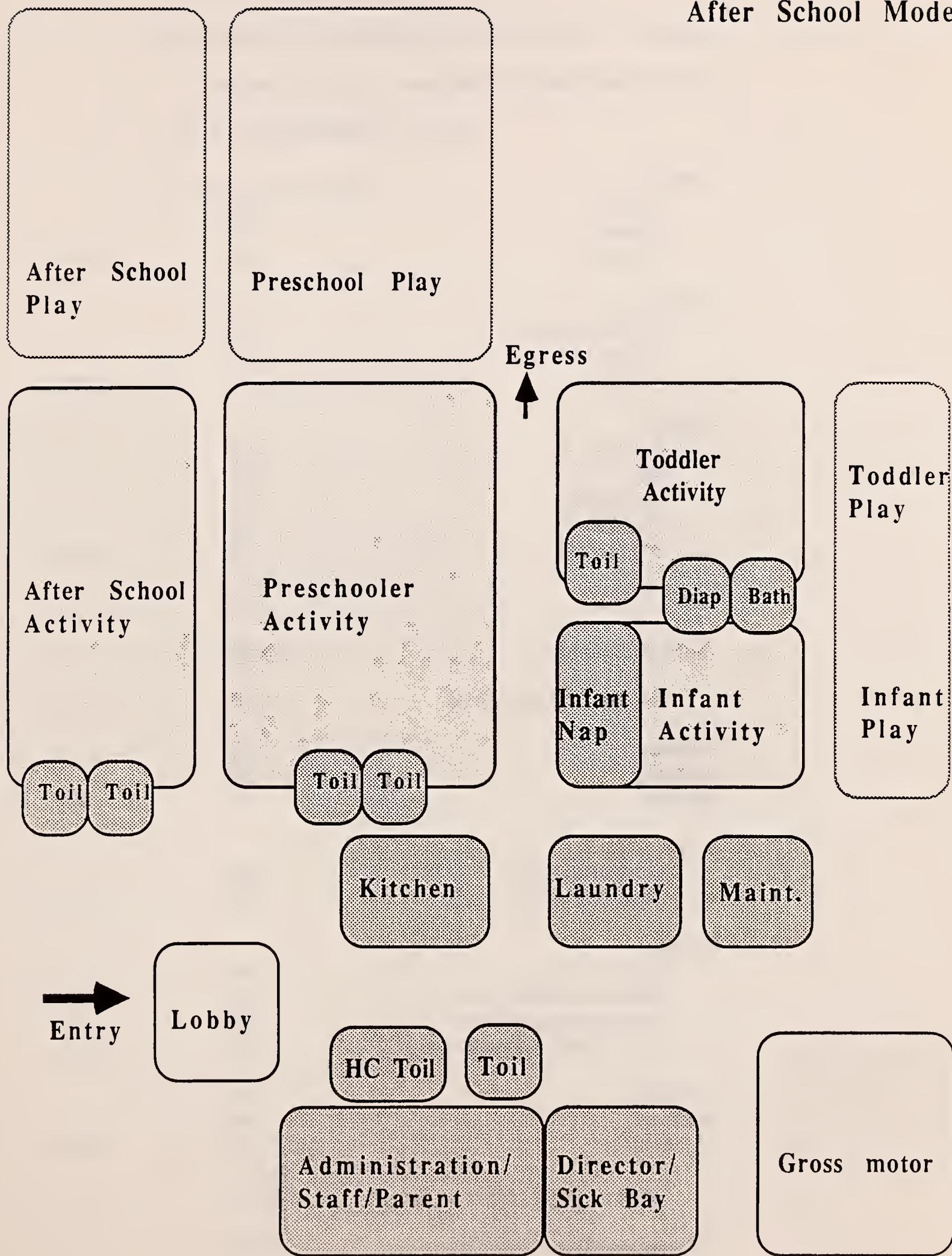
Toilets and Sinks

- One handicapped accessible toilet for boys
- One handicapped accessible toilet for girls
- One in-room sink (for crafts, cooking and eating activities.)

Indoor Space Requirements for Holidays and Vacations Only

Assuming the number of after schoolers is not large, they may use the gross motor room, central resource area, other large spaces of the center and outdoor play areas. If vacations include summer, after schoolers require their own room. For brief holidays, there can be a mixing of after schoolers and older preschoolers (4 years, 9 months) provided after schoolers are under 7 years of age and the maximum number of occupants per room (twenty) is not exceeded.

After School Model



CHILD CARE CENTER PROGRAM REQUIREMENTS

After School Model - 36 children + 10 after schoolers

	Square Feet
Preschool	
Activity	890
Cubbies	40
Casework	65
	995
Toddlers	
Activity/nap/cots	315
Diapering	12
Cubbies	15
	383
Infants	
Activity	180
Nap	122
Diapering	12
Cubbies	10
Casework	30
	354
After School	400
Gross motor room	300
Subtotal Activity Area	2432
Kitchen	120
Laundry	50
Bathing	18
	188
Administration	
Work/parent/staff	150
Director/Sickbay	100
	250
Toilets	
Adults (2 h.c.)	90
Preschool training toilet (1 h.c.)	45
Toddler training toilet (1)	20
After school room toilets (2 h. c.)	90
	245
Custodial	25
Storage	140
Mechanical	35
	200
Total Program Area	3315
Circulation/structure 25%	830
GROSS BUILDING AREA	4145

AFTER SCHOOL MODEL

Example Illustration

(in progress)

Double Shift Model: Indoor Space Requirements

30-36 children:

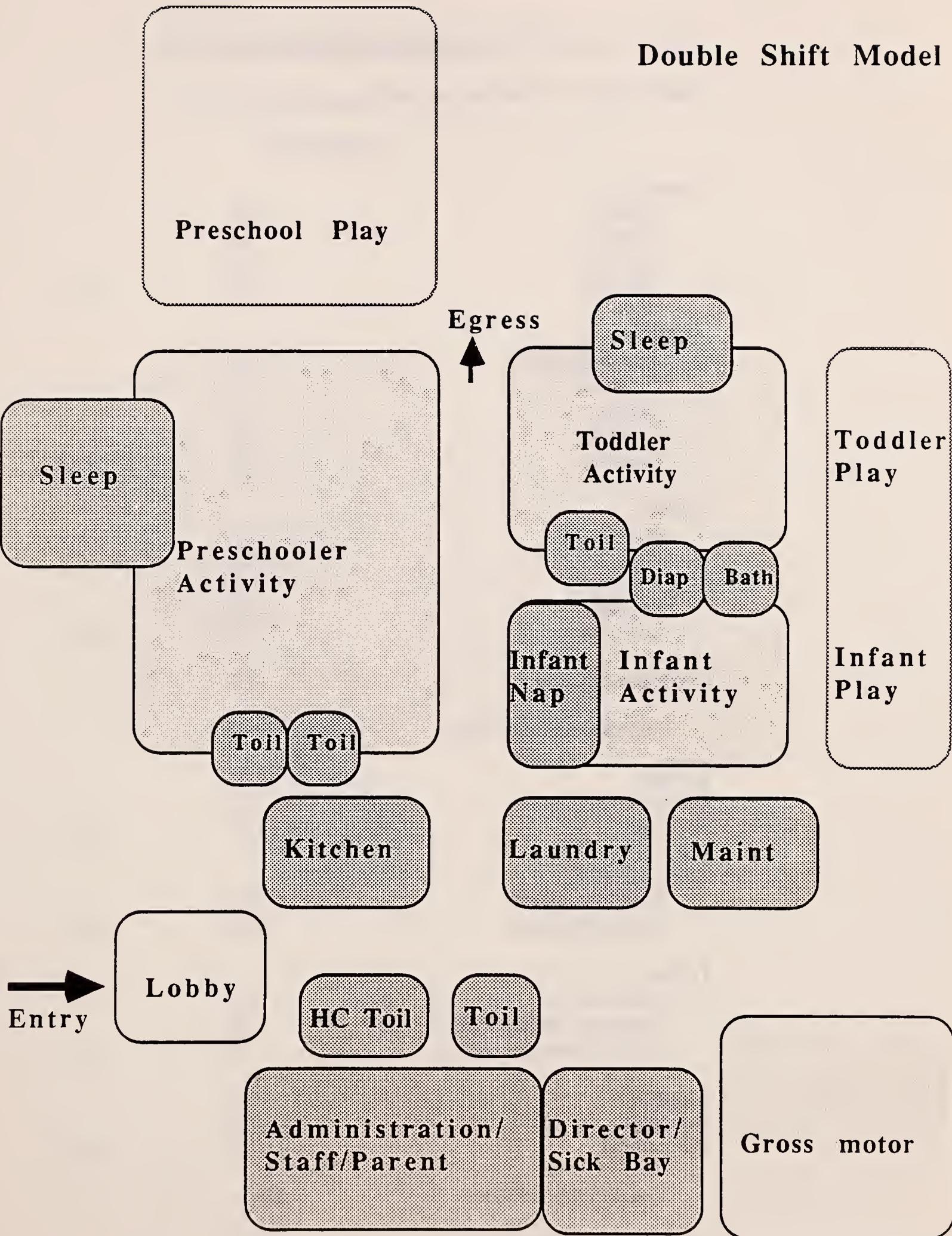
7 infants
9 toddlers
20 preschoolers

This model is designed to assist parents who work hours other than a typical 9:00 a.m. - 5:00 p.m. shift. This model would operate either twenty-four hours a day or 6 a.m. to midnight with two to three shifts of employees.

Design

- ***Sleep Spaces:*** Children must have comfortable rooms; comparable to bedroom spaces at home.
- ***Staffing:*** At present, no guidelines exist for the staffing of the night shifts. The same ratios as the daytime hours are assumed. Some means to "condense" space during low census times in the evening is desirable. Staff spaces should be supplied for the storage of staff personal effects and to facilitate communication between staff shifts.
- ***Entry/Transition Spaces:*** It is essential to have separate entry/transitional spaces for the staff, parents and children at all times of day and night, to ease transitions and communication without disturbing sleeping or playing children.
- ***Meals or Snacks:*** Preparation and/or delivery of at least one meal or snack is necessary, making a kitchen/dining area desirable.
- ***Bathing:*** Bathtubs for infants and older children, in rooms of residential scale.
- ***Personal Wash-Up/Storage Area:*** Supply an area where each child can keep a towel, wash cloth, tooth brush and pajamas.
- ***Quiet Corner and Audio Visual Aids:*** It is important to have a rocking chair and a reading area near sleep spaces for evening diversion and story telling before bed time.

Double Shift Model



CHILD CARE CENTER PROGRAM REQUIREMENTS

Double Shift - 36 children per shift

	Square Feet
Preschool	
Activity	890
Cubbies	40
Casework	65
Sleeping	400
	1395
Toddlers	
Activity/nap/cots	315
Diapering	12
Cubbies	15
Casework	40
Sleeping	108
	490
Infants	
Activity	245
Nap	122
Diapering	12
Cubbies	10
Casework	30
	419
Gross motor room	300
Subtotal Activity Area	2604
Kitchen	120
Laundry	50
Bathing	18
	188
Administration	
Work/parent/staff	150
Director/Sickbay	100
	250
Toilets	
Adults (2 h.c.)	90
Preschool training toilet (1 h.c.)	45
Toddler training toilet (1)	20
	155
Custodial	25
Storage	140
Mechanical	35
	200
Total Program Area	3397
Circulation/structure 25 %	850
GROSS BUILDING AREA	4247

DOUBLE SHIFT MODEL

Example Illustration

(in progress)

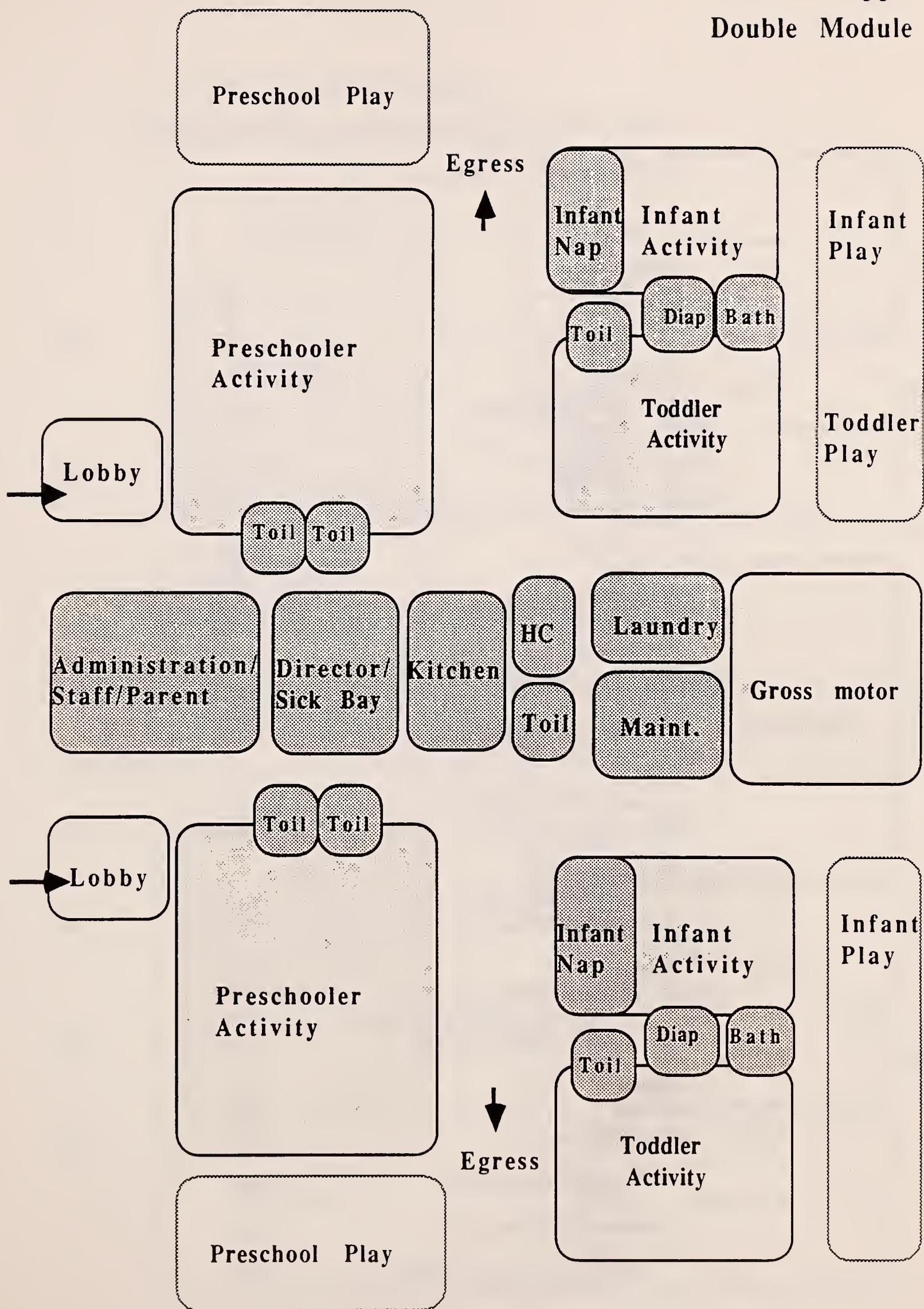
Double Module Model: Indoor Space Requirements

72 children (Maximum)	14 infants (2 groups of 7) 18 toddlers (2 groups of 9) 40 preschoolers (2 groups of 20)
--------------------------	---

Design as two related but physically distinct modules. Each module can have one group of each age or infants/toddlers can form one module and preschoolers another.

This prototype is based on doubling the activity areas of the Prototype Program -- the Basic Model and accommodates two times the number of children or 72 children. Kitchen, adult bathrooms, staff/parent/administration area, and building support functions can be shared by both areas, while training bathrooms and circulation spaces are increased. In addition, all programs with forty or more children require a full-time, non-teaching director and director's administrative space.
(7:05:(5) (a).)

A large and contiguous outdoor play area is required. Exterior circulation, drop off and parking must be adequate for the population.

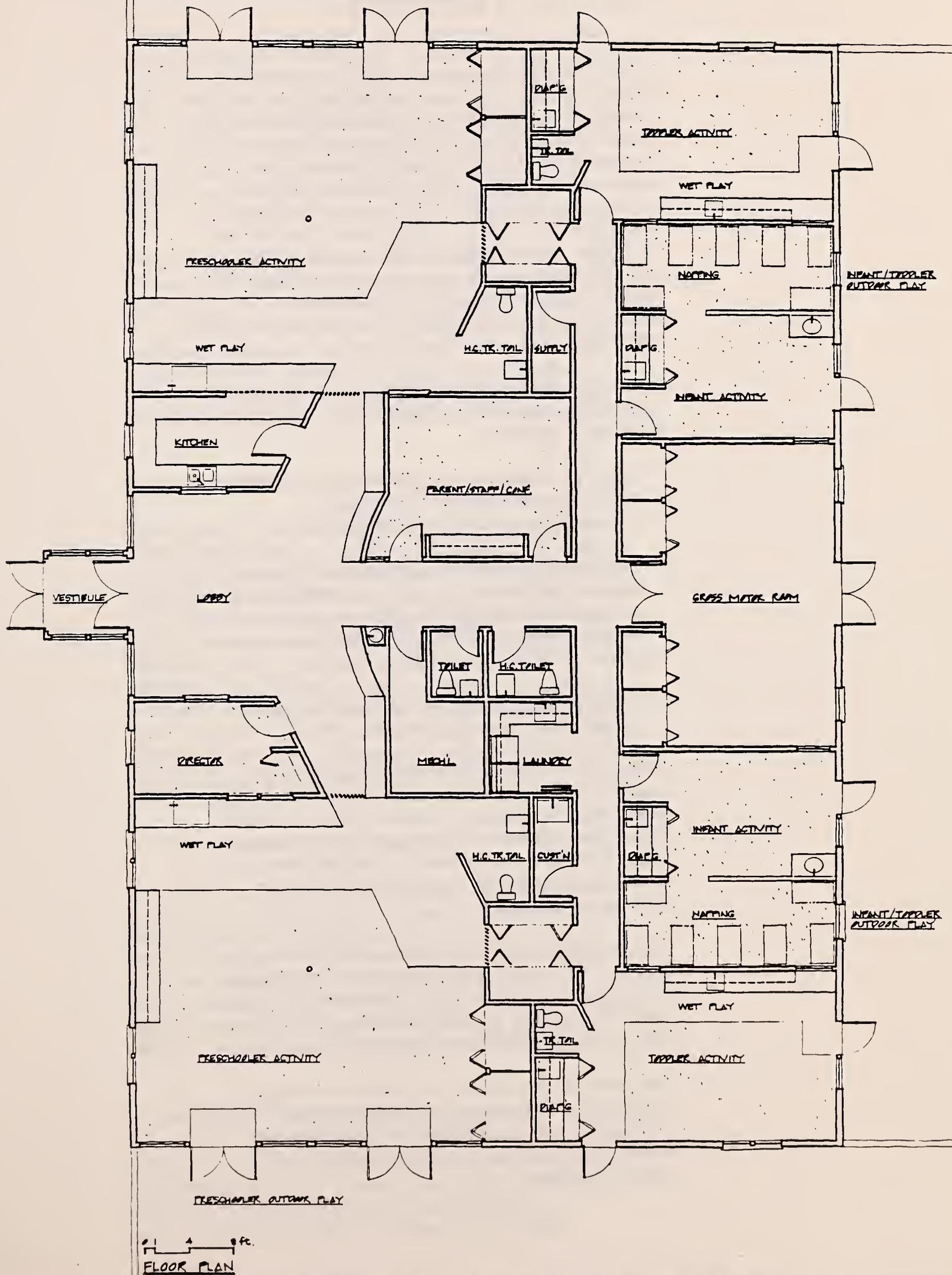


CHILD CARE CENTER PROGRAM REQUIREMENTS

Double Module - 72 children

	Square Feet
Preschool	
Activity	1780
Cubbies	80
Casework	130
	1990
Toddlers	
Activity/nap/cots	630
Diapering	24
Cubbies	32
Casework	80
	766
Infants	
Activity	360
Nap	244
Diapering	24
Cubbies	20
Casework	60
	708
Gross motor room	366
Subtotal Activity Area	3830
Kitchen	160
Laundry	75
Bathing	36
	271
Administration	
Work/parent/staff	255
Director/Sickbay	120
	375
Toilets	
Adults (1 normal, 1 h.c.)	120
Preschool training toilet (2 h.c.)	80
Toddler training toilet (2)	40
	240
Custodial	35
Storage	105
Mechanical	100
	240
Total Program Area	4956
Circulation/structure 30 %	1508
GROSS BUILDING AREA	6464

DOUBLE MODULE MODEL



ESTIMATING THE COSTS

During the planning stages of a child care center it is difficult to approximate what the final cost will be. New construction or renovation of existing buildings require significantly different scopes of construction work. If renovating, much depends on the condition of the existing building, the location of the center within it, the amount of mechanical work necessary and the ease with which construction can take place while the host facility remains operational. The costs-per-square foot that follow are for construction work only and do not include design, management or contingencies. Non-construction related costs can add up to 40% of the construction cost to the project.

In the pre-design phase it is safest to assume an average construction cost of \$75 - \$110/gross sq. ft. with the following stipulations:

- This figure represents complete interior renovation, including new partitions, finishes and mechanical/electrical distribution systems;
- For new construction this figure includes site work, exterior and interior construction, structural work and mechanical/electrical work; it excludes any expenses related to bringing utilities to the site or related to difficult site conditions; and
- It does not take into account difficult working conditions related to facility operations.

Certain small projects might cost considerably less under favorable conditions. These projects are difficult to generalize but normally would be limited to interior finishes and incidental plumbing and/or mechanical work. For reasons of life safety, code compliance, and financial accountability, these projects still require professional assistance.

Variations in interior child care center design do not alter the cost as much as the comparative construction project size and location. These factors will add to the general contractor's overhead expenses; construction costs can be 25-35% higher than might be expected.

Cost information is taken from schematic designs in DCPO/Office of Programming building studies for child care centers in facilities throughout Massachusetts. The costs of these facilities are briefly described in the following section.

Comparative Construction Costs

- **Low Cost Renovation**

Renovations to provide a new child care center in a downtown Boston office building will cost \$40 - 50/sq.ft. This low cost, however, is not representative of office building renovation costs, but reflects the abbreviated project scope. Space which is easily converted to child care use will likely have abundant natural light, adequate plumbing, heating and air conditioning, existing sprinkler systems, interior finishes, not out of character with child care, easily removed partitions, and already be handicapped accessible.

The soundness of construction and suitability of changing live load capacities should not be assumed regardless of the age or construction of the building, but needs be verified by a licensed structural engineer. If not already suitable, plumbing, heating and venting of office building space for a child care center can be difficult since many buildings, designed with central systems cores, require the extension of mechanical systems to each primary activity space.

- **Masonry Building Renovation**

Three centers in rural settings will be located in masonry hospital and institutional buildings, all built 30 - 75 years ago. The estimated costs of the centers were between \$75 and \$85/sq.ft. While the host buildings were of sound construction (aside from mechanical systems which were often inadequate or inappropriate) their institutional character was not appropriate for child care. The challenge of the hospital or institutional building project is to create an atmosphere comparable to that of the child's home. Renovations involved the complete replacement of windows, doors, interior finishes, reconfiguration of rooms, and the upgrading of existing mechanical systems.

- **Wood Frame Building Renovation**

A center for a state hospital in Western Massachusetts will be located in a single story wood frame building. In this case the residential character of the building is excellent for child care, however, the renovation itself involves an extensive amount of work. To restore the building to a useable condition, wood windows must be entirely replaced, heating and mechanical systems replaced and new room partitions built. The cost is estimated to be \$95 sq. ft.

- **New Wood Frame Building Construction**

Approximately \$125 - 140/sq.ft. for new wood frame construction should be assumed, including site and utility costs. DCPO will be receiving information on new construction costs during the next year, 1988 - 1989.

Furniture and Equipment

Millwork

Millwork (custom made counters, climbing structures and equipment) is a key component of the interior of any child care center due to the particular developmental needs of children and the limited quantity and range of factory-made pieces. The condition and circumstance of the host space has little impact on the cost of millwork.

Millwork for a 36 child center with three separate activity rooms will cost approximately \$26,000. Millwork includes:

Infant Room

- Waterbed platform, carpeted
- Shelves for toy storage
- Small climber with slide
- Diapering counter - changing table
- Shelves for diaper storage
- Cubbies
- General storage shelves

Toddler Room

- Waterbed or play-pit platform
- Carpeted risers
- Rolling storage unit
- Dramatic play structure with loft
- Climber with slide
- Cubbies
- Diapering counter - changing table
- Storage shelves
- Book shelves

Preschool Room

- Group meeting risers
- Dramatic play structure with loft
- Rolling storage units
- Climber with slide
- Carpeted play platform
- Cubbies
- Water play counter
- Storage shelves
- Book shelves

Factory-made Furnishings

Factory-made items (primarily movable furniture and equipment that has been evaluated for its suitability) may substitute for some custom-made millwork. This evaluation should consider the sizes of the rooms and the purpose the equipment is meant to serve. Certain pieces of factory-made furniture and equipment are a necessary part of a child care center. For a typical 36 child center these may include:

- 3 Rocking Chairs
- Floor Cushions
- 29 Cots
- 1 Sofa
- 1 Coffee Table
- 36 Children's Chairs
- 6 Children's Tables (Seat 8)
- 1 Work Table
- 4 Side Chairs
- 6 File Cabinets
- 1 Director Desk
- 1 Secretarial Desk
- 2 Desk Chairs
- 7 Cribs

Estimated Cost: \$7,500

CONSTRUCTION COST ESTIMATE WORKSHEET

Renovation/New Construction Cost Estimate

Instructions:

1. Measure the area (in gross square feet) you intend to construct new or renovate; or use the recommended space amount (in gross square feet) in the appropriate prototype program.
2. Determine the appropriate cost per square foot -- \$15 - \$25 for low cost renovation or \$75 - \$110 for major renovation or new construction. This square foot costs represent 1988 construction cost and should be increased at a rate of 6% per year to cover costs of escalation to the date of your estimate.
3. Fill in the worksheet below.

Area (in gross square feet) _____ sf

Multiply by cost/square foot X \$ _____ /sf

SUBTOTAL \$ _____

Add millwork cost (for a 36 child center) \$ 26,000

Add furnishings (for a 36 child center) \$ 7,500

Add play area cost (following page) \$ _____

SUBTOTAL \$ _____

Add 10% design contingency + _____

ESTIMATED CONSTRUCTION COST \$ _____

Outdoor Play Area Cost Estimate
(insert in cost estimate on previous page)

The estimated costs below are based on a relatively flat site with some existing trees and easy access to the child care center. Adjustments should be made for sites requiring walls and steps, new trees for shade, or a play area to be located on pavement or a roof top. A roof top site, for example, will incur increased costs in surface material.

The basic estimated outdoor play area costs for a 36 child center, based on the example illustrations of each outdoor play area option, are:

Option I - \$15,000
Option II - \$60,000
Option III - \$90,000

These are based on 1988 construction costs and should be increased at a rate of 6% per year.

Fill in the following:

Option _____	\$ _____
For pavement or roof-top construction multiply option by 35 percent	\$ _____
For retaining walls and stairs add \$10,000	\$ _____
For additional planting add \$8,000	\$ _____
Estimated Play Area Cost*	\$ _____

*If outdoor play area improvements comprise entire scope of project, add 10% contingency.

ESTIMATING OPERATING COSTS

Anticipating the operation of a child care center and attendant costs is as important in preliminary planning as understanding the requirements for physical spaces. While this workbook does not provide direction on setting up management structures or developing child care programs, a worksheet is provided for you to make preliminary estimates of the operating cost. The worksheet form will be applicable to most management or organizational situations, but can be modified to suit your circumstances. Assumptions on which this format is based are as follows:

- 1) *Teaching and administrative staff people are professional staff whose salaries are paid by the child care center.*

It is assumed that the staff members are not employees of the Commonwealth, therefore salaries and benefits are typical of the private market. The Child Care Resource and Referral Center (see Appendix A) in your area can provide current local salary levels, but rates can vary according to geographic area and should be adjusted for inflation. Salary and related costs (taxes and benefits) account for over 80% of the operating costs for most centers, therefore accurately estimating salary expenses is the most critical planning item. Taxes and benefits are estimated at 25% of the payroll total.

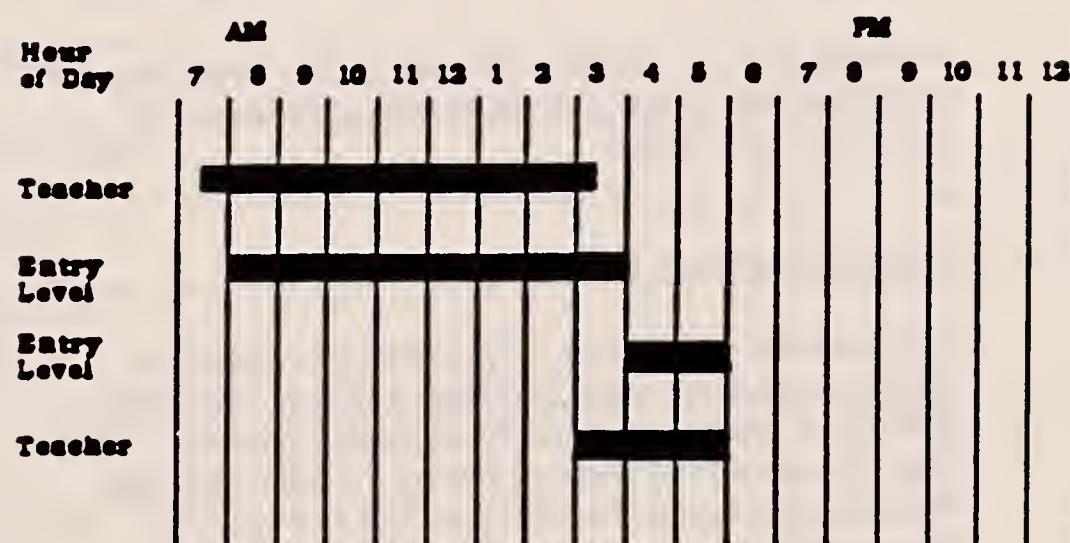
- 2) *Staffing levels and qualifications for teachers, i.e. those who provide direct care to the children, are those recommended by the Governor's Day Care Partnership Project, Governor's Office of Human Resources, 1985 - 1987.*

Staffing levels and qualifications are the same as those required by the Office for Children regulations, except that entry level personnel are assumed to have the same qualifications as assistant teachers. The OFC regulations should be consulted for professional requirements for each staff level. Basic staffing is as follows (one teacher must be a head teacher) :

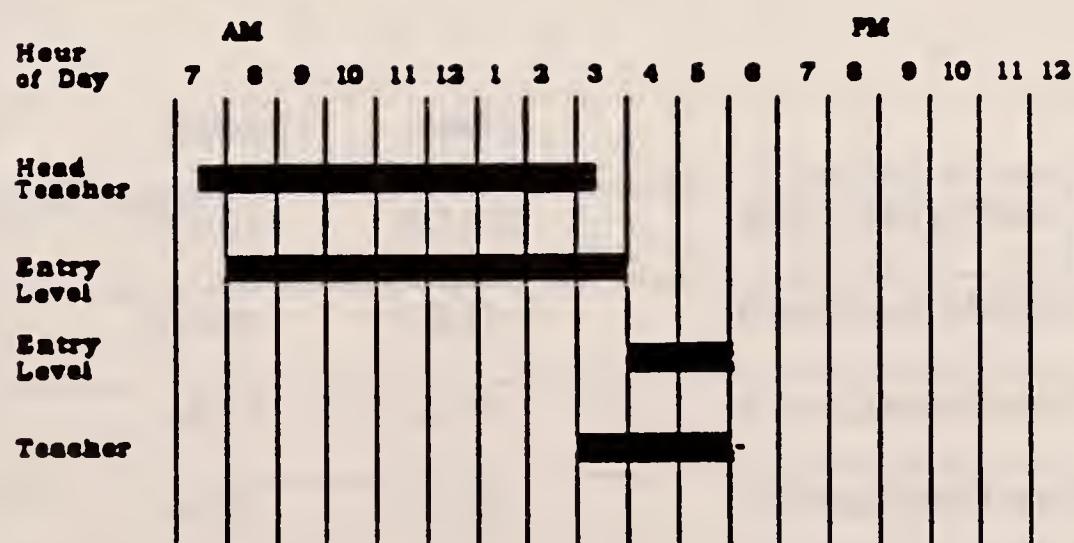
Infants:	1 teacher and 1 entry level teacher per 7 infants
Toddlers:	1 teacher and 1 entry level teacher per 9 toddlers
Preschoolers:	1 teacher and 1 entry level teacher per 20 preschoolers

The total amount of teaching staff time will depend on the length of the center's daily operation, which should be established according to the needs of employees at the host institutions or agencies. Most centers operate longer than a single full-time shift, and therefore need additional staff people. Overlap time at shift changes is needed; an hour or more should be included in calculations of total staff time. The chart below illustrates minimum staffing patterns for a center open from 7:30 a.m. to 6:00 p.m., based on one 8 hour shift and one part-time shift.

STAFF SCHEDULING
Infant Group
Toddler Group



Pre-Schooler Group



- 3) *A full-time director, a half-time bookkeeper and a half-time secretary are included in the budget.*
- 4) *Rent, maintenance, utilities, janitorial services and other facility costs are assumed to be paid by the host agency or institution and are not included in the child care center budget.*
- 5) *Insurance costs are difficult to determine due to the rapidly changing liability insurance environment.*

The cost of \$500,000 liability coverage was estimated at \$70 per child per year in 1986 (per Governor's Office of Human Resources).

- 6) *All meals are supplied by the center; diapers are normally provided by the parents, costs are for emergency supplies only.*

You may wish to vary these policies. Some centers choose to provide only snacks and ask parents to provide sack lunches or other meals.

Determining Costs Per Child

The summary table below illustrates how to determine the actual costs *per child* to operate a center. Using this table in conjunction with the example Operating Costs Estimate Worksheet, shown on the following page, you can approximate the costs per child of your child care center.

	Infants	Toddlers	Pre-Schoolers
Total Payroll/Group	\$50,450	\$50,450	\$75,950
Payroll Cost/Child/Yr	\$7,207	\$5,606	\$3,798
Other Costs/Child/Yr	\$2,440	\$2,440	\$2,440
Total Cost/Child/Yr	\$9,647	\$8,046	\$6,238
Cost/Child/Month	\$804	\$670	\$520

OPERATING COSTS ESTIMATE WORKSHEET

<u>Salaries</u>	<u>Total</u>	<u>Infants</u>	<u>Toddlers</u>	<u>Preschoolers</u>
Entry level				
Teachers				
Head Teachers				
Director				
Bookkeeper				
Secretary				
Substitute				
Total				
<hr/>				
Payroll Tax & Benefits (25%)				
<hr/>				
TOTAL PAYROLL				
<hr/>				
Consultants				
<hr/>				
License & Fees				
<hr/>				
Insurance				
<hr/>				
Educational Supplies				
<hr/>				
Other Supplies				
Paper				
Maintenance				
Office				
Medical				
Kitchen				
Diapers				
<hr/>				
Food				
<hr/>				
Staff Development				
<hr/>				
Miscellaneous				
Printing				
Postage				
<hr/>				
TOTAL:				
<hr/>				

APPENDIX A :

**CHILD CARE RESOURCE
AND
REFERRAL CENTERS**

CHILD CARE RESOURCE AND REFERRAL PROGRAMS

CURRENT PROGRAMS

<u>OFC AREA #</u>	<u>PROGRAM NAME</u>	<u>OFC AREA SERVED</u>
I	RESOURCES FOR CHILDCARE Childcare of the Berkshires 311 North Street Pittsfield, MA 01201 (413) 499-7983	Berkshire County
II	CHILD CARE FOCUS Hampshire Community Action Box 7 Northampton, MA 01060 (413) 586-4940	Hampshire Franklin
III	Preschool Enrichment Team 276 High Street Holyoke, MA 01040 (413) 536-3900	Springfield Westfield Central Pioneer Valley
IV	CHILD CARE RESOURCES Children's Aid & Family Services 435 Main Street Fitchburg, MA 01420 (617) 343-7395	Wachusett North Central
V	CHILD CARE CONNECTION United Way of Central Mass. 484 Main Street Worcester, MA 01608 (617) 757-1503	Greater Worcester Blackstone Valley South Central
VI	CHILD CARE CIRCUIT Community Day Care of Lawrence 190 Hampshire Street Lawrence, MA 01840 (617) 686-4288	Lawrence North Essex

VII	Child Care Resource Center 552 Massachusetts Avenue Cambridge, MA 02139 (617) 547-1063	Cambridge/ Somerville West Suburban Belmont/Watertown
VIII	CHILD CARE SEARCH Community Teamwork, Inc. 60 Turner Street Waltham, MA 02154 (617) 891-4557	Waltham Concord-Assabet Mystic Valley
IX	COMMUNITY CARE FOR KIDS Quincy Community Action Organization 1509 Hancock Street Quincy, MA 02169 (617) 479-8181	South Shore Coastline Plymouth
X	CHILD CARE RESOURCE EXCHANGE PACE, Inc. 4 Park Place New Bedford, MA 02742 (617) 999-9930	New Bedford Cape & Islands
XI	CHILD CARE RESOURCE CONNECTION Commonwealth Family Childcare 17 Tremont Street Taunton, MA 02780 (617) 823-9118	Fall River Taunton
XII	Home/Health and Child Care Services 15A Bolton Place Brockton, MA 02401 (617) 588-6070	Brockton South Norfolk Attleboro

APPENDIX B:
APPLICATION PACKET

Contents

Example Cover Letter

Building Survey Checklist

Construction Cost Estimate
Worksheet

Operating Cost Estimate
Worksheet

EXAMPLE COVER LETTER

Mr. John I. Carlson, Jr., Deputy Commissioner
Division of Capital Planning & Operations
One Ashburton Place, 15 th Floor
Boston, MA 02108

Attention: Office of Programming,
 Child Care Center Study Managers

RE: Child Care Center Study Request

Dear Mr. Carlson:

(Name of Agency or Institution) requests DCPO approval of the enclosed application for an in-house study for a child care center for state employees at (location of host agency and proposed child care center). We wish to express our desire to support child care for our employees and are ready to work with you to build our center.

Approximately (number) employees of the Commonwealth work at or near this location. We hope to provide child care for (number) of children - (number) infants, (number) toddlers, (number) pre-schoolers and (number) after school-age children.

List any special circumstances which influence need for child care or which will affect your agency's operation of the child care center.

The contact person who is assigned to work with your staff on this project is (name, title and telephone number). Enclosed is the completed Application Packet, including:

1. Building Survey Checklist
2. Construction Cost Worksheet
3. Operating Cost Worksheet

Please acknowledge your receipt of this packet and let us know when we may expect to meet with your staff.

Very truly yours,

(Agency Head or Designee)

cc: Deborah Poodry, Director, Office of Programming
 Shelly Metzenbaum, Director, Capital Budget Office
 Central Operating Agency
 Agency Facility Management Staff

BUILDING SURVEY CHECKLIST

Childcare Center Workbook Application

The following is an outline questionnaire of Existing Conditions that would describe the building or property your facility proposes to be used for the construction of a new child care center. Please have your Facilities Engineering and/or Planning staff review and fill in as much of the outline as possible. The more information we are presented with, the quicker the study process can be completed. It is particularly useful to include any and all existing conditions drawings and explanatory photographs. Please fill out this form and include any additional information you feel will be useful.

Facility

name, address, function, contact persons, preparer's name and experience

Site - Campus or Suburban Location

_____ is sited on a campus of _____ acres in the _____ part of _____, MA. The campus is _____ miles from major throughfares _____ and _____. The general character of the land is _____ (examples: flat ,gently rolling hills, steep hills) . The lowest elevation of the site is approximately _____ feet above sea level and the highest elevation is approximately _____ feet above sea level. Outstanding physical features of the land include the following with their general location on the site noted:

Site-All Locations

Approximately _____ square feet of land are available directly contiguous to the proposed facility, for outdoor play areas.

Approximately _____ parking spaces can be accommodated.

Architecture

The building proposed for the facility was originally designed by _____ in 1 _____ and construction of the design was completed in 1 _____. Alterations were done in 1 _____ by _____.
Mass Project #'s if available

The primary exterior building materials are _____.

The style of architecture is best described as _____ with a _____ roof.

The structural system is _____ columns, _____ beams, _____ walls.

The foot print of the building is approximately _____ gross square feet.
The useable interior space is approximately _____ net square feet.

The ceiling height of the main spaces is approximately _____ feet.

The area proposed for the facility is on the _____ floor with _____ access to grade.

Attach explanatory sketch plans, drawings, and or photographs

BUILDING SURVEY CHECKLIST

Childcare Center Workbook Application page 2

Utilities

The following utilities enter and serve the campus as noted:

water

sanitary sewer

gas

steam

primary electric

oil

telephone

Please describe the capacity, type and method of distribution of the following systems:

Mechanical

Electrical

Plumbing

Fire Protection/Suppression

Code Issues

present zoned use, live load, egress, handicap access, asbestos, lead paint, insulation

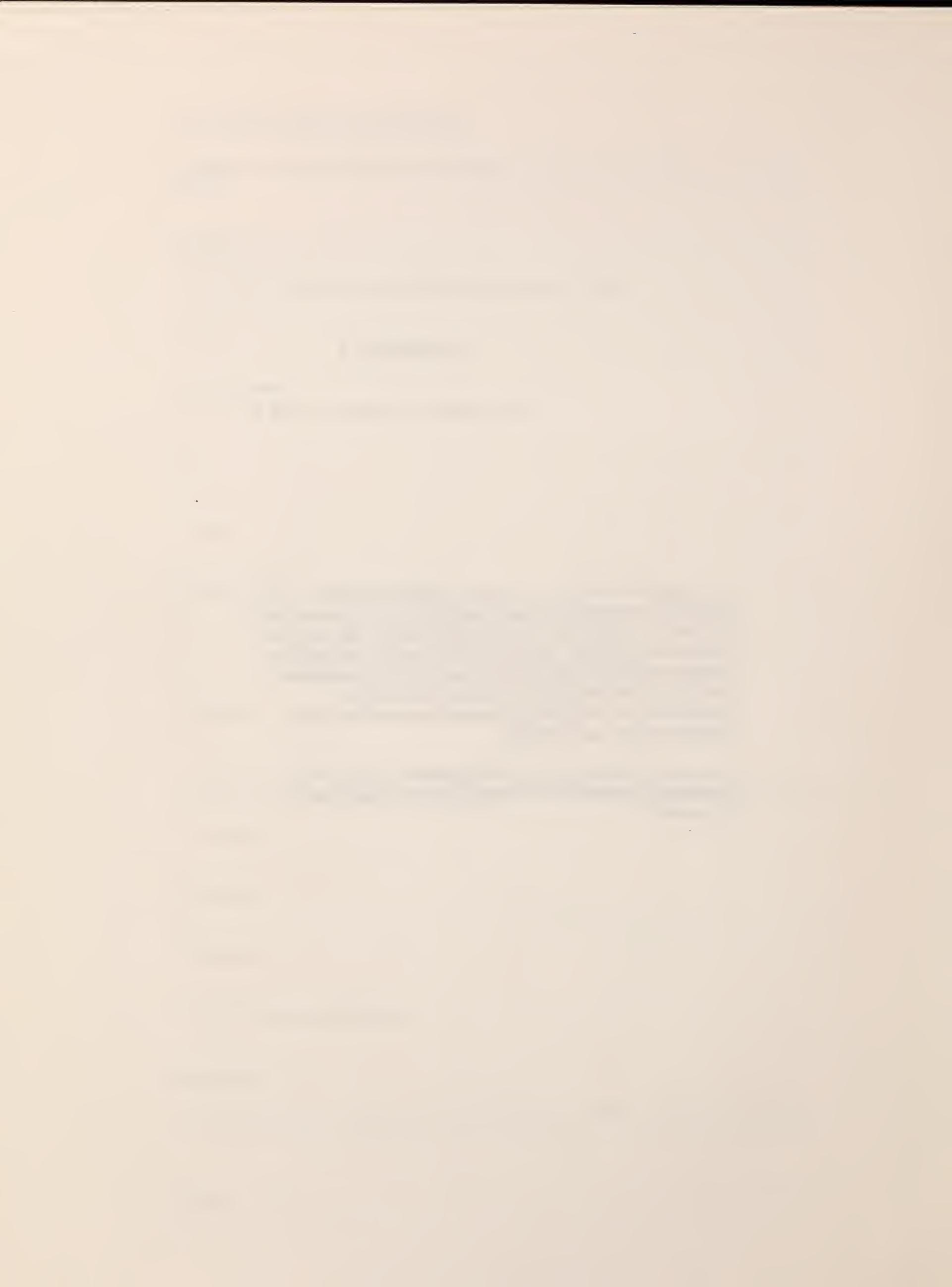
Other

APPENDIX C :

BUILDING CODES REVIEW

As an appendix to the text, relevant codes have been excerpted, including the State Building Code, in general, and Section 434, Daycare Centers, specifically, and the Office for Children regulations. The code review outline will guide the applicant through evaluating the suitability of a proposed facility, but does not free the Consultant from the responsibility of preparing a separate code review once a specific site has been selected.

The entire Office for Children Regulations dealing with operational and administrative procedures appears in Appendix D.



CODE ANALYSIS: CHILDCARE CENTERS

1.	<u>Use group</u>	434.3
	Determine if High Hazard Use exists	210.0
2.	<u>Construction classification</u>	214.0
	For CC Center in facility determine construction classification of overall building	
	For freestanding new or renovated center, determine appropriate construction type, but <u>not</u> unprotected frame construction	
3.	<u>Mixed use</u>	213.0 213.1 Item 2
	For CC Center in facility	
	Fire separation	902.0 Table 902
4.	<u>Area and height limitations</u>	305.0 Table 305 note J
	Reverts to (needs clarification and interpretation)	434.4
	<u>Area and height exceptions</u>	
	Not applicable for childcare	434.4.3
5.	<u>Egress requirements</u> (Supercedes Article 6)	434.6
6.	<u>Fire protection</u>	1202.0
	Exception (less than 100 children @ grade)	1202.7.3
7.	<u>Fireresistance of materials</u>	Article 9
	Fire grading of use groups	Table 902
	Interior finish classification	Table 904
	Interior finish requirements	Table 920
	Grade floor	905.7
	Exterior walls	906.0
8.	<u>Light and ventilation</u>	
	Artificial	504.3
	Natural	506.0
	Toilet rooms	512.0
9.	<u>Sanitation</u>	Article 17
	Reverts to Plumbing Code	
10.	<u>Handicapped access</u>	315.0
	Superceded by Architectural Barriers Board Regulations	

11.	<u>Roof use requirements</u> (7' high fence, 3' from edge)	434.9
12.	<u>Existing building reuse</u> Hazard index Change of hazard index Revert to standards for new construction	Article 22 Table 2204, Table T -1 2203., 2204., 2205 2203.16
13.	<u>Historic buildings</u> Only for buildings on historic register, etc.	436.0
14.	<u>OFC regulations</u> 35 s.f./child (needs clarification) No infants above 1st floor 4' high fence on roof (see 11. above) School age children	7.11 (4) 7.11 (5) 7.11 (6) (c) 11.08 (3)
15.	<u>Miscellaneous</u> Definition of High Hazard Use Definition of Low and Moderate Hazard Energy conservation	206.0 210.0 Article 20 (not included)

780 CMR: STATE BUILDING CODE COMMISSION

SECTION 207.0 USE GROUP I, INSTITUTIONAL BUILDINGS

207.1 General: All buildings and structures, or parts thereof, shall be classified in the institutional (I) use group in which people suffering from physical limitations because of health or age are harbored for medical or other care or treatment, or in which people are detained for penal or correctional purposes, or in which the liberty of the inmates is restricted.

207.2 Use group I-1: This use group shall include all buildings designed for the detention of people under restraint, including, among others, jails, prisons, reformatories, insane asylums and similar uses.

207.3 Use group I-2: This use group shall include all buildings used for housing people suffering from physical limitations because of health or age, including among others, day nurseries, hospitals, sanitariums, clinics, infirmaries, orphanages, and homes for aged and infirm. (see Section 434.0, Day care centers.)

207.4 Regulations guide: The following listing contained in Table 207.4 is a guide to the principal requirements of this code applicable to use group I, institutional buildings. They are not necessarily the only, nor all, of the provisions with which compliance is required. Omission of reference to any provisions shall not nullify any requirement of this code, nor exempt any structure from such requirement.

780 CMR: STATE BUILDING CODE COMMISSION

Table 207.4
INSTITUTIONAL BUILDINGS REGULATIONS GUIDE

Types of construction:	Construction classification 214.0 Mixed use and occupancy 213.0 Historic buildings 436.0
Allowable area:	General area limitations 305.0 Area exceptions 306.0 Subdivision of attic spaces 875.9 DELETED! Unlimited area buildings 307.0
Allowable height:	General height limitations 305.0 Height exceptions 308.0
Fire separations:	Fire walls and party walls 907.0 Fire separation walls 909.0 Elevator opening protectives Article 16 Automatic fire doors and dampers 903.0 Mixed use and occupancy 213.0 Vertical shafts 910.0 Fireresistance rated floor/roof assemblies 912.0
Exterior wall protection:	Exterior walls 906.0 Exterior opening protectives 914.0 Glazing of unprotected openings 1902.0
Fire limit requirements:	Restrictions within fire limits 302.0 Restrictions outside fire limits 303.0 Roof structures 925.0
Fireresistance:	Fire hazard classification 902.0 Fireresistance tests 903.0 Roof coverings 903.3 Opening protectives 903.4 Fire-retardant treated wood 903.6 Fireresistance of structural members 911.0 Fireresistance rated floor/roof assemblies 912.0 Roof construction 913.0 Fire windows and shutters 916.0 Firestopping 919.0 Balconies 924.0 Roof structures 925.0 Roof coverings 926.0 Refuse vaults, enclosure requirements 1108.0 Grade floor protection 905.7
Interior finish:	Interior finish and trim 920.0 Application of interior finish 921.0 Flame resistance tests 904.0
Means of egress:	Occupancy load 606.0 Location 607.0 Capacity 608.0 Number of exitways 609.0 Exitway access corridors 610.0 Grade passageways 611.0 Means of egress doorways 612.0 Horizontal exits 614.0 Interior exitway stairways 616.0 Access to roof 617.0 Exit signs 623.0

780 CMR: STATE BUILDING CODE COMMISSION

Table 207.4 (cont'd.)
INSTITUTIONAL BUILDINGS REGULATIONS GUIDE

Means of egress: (continued)	Means of egress lighting 624.0 Elevator, exitway restrictions Article 16 Smokeproof enclosures 618.0 Slidescapes 622.0 Revolving doors 613.0
Fire protection systems:	Water sprinkler systems 1204.0 Fire suppression systems 1202.0 Standpipe systems 1211.0 Fire department connections 1213.0 Water supply 1214.0 Fire emergency ventilating system 519.0 Automatic fire alarm systems 1216.0 Supervision 1218.0
Vertical openings:	Shafts 515.0 Firestopping 919.0 Vertical shafts and hoistways 910.0 Hoistway enclosures and venting Article 16
Hazardous area:	Boiler and equipment rooms 400.6 Segregation of storage space 400.8 Existing buildings 405.0 Pyroxylin plastics 407.0
Light and ventilation:	Bath and toilet rooms 512.0 Required fresh air supply 514.0 Ventilation of shafts 515.0 Artificial light and ventilation 504.0 Natural light and ventilation 506.0 Air-conditioning, refrigeration and mechanical ventilation (see mechanical code listed in Appendix B) Skylights 1905.0
Sanitation:	Plumbing and drainage Article 17 Termite protection 874.0
Electrical wiring:	Article 15
Provisions for the handicapped and aged:	Section 315.0
Energy conservation:	Article 20

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SECTION 206.0 USE GROUP H, HIGH HAZARD BUILDINGS

206.1 General: All buildings and structures, or parts thereof, shall be classified in the high hazard (H) use group which are used for the storage, manufacture or processing of highly combustible or explosive products or materials, which are likely to burn with extreme rapidity, or which may produce poisonous fumes or explosions; for storage or manufacturing which involves highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flame, fume, poisonous, irritant or corrosive gases; and for the storage or processing of any materials producing explosive mixtures of dust, or which result in the division of matter into fine particles subject to spontaneous ignition.

206.2 List of high hazard uses: The processes, materials and manufactures listed in the following Table 206.2 are indicative of and shall be included among high hazard uses.

Table 206.2
Use Group H, High Hazard Uses

Acetylene gas and gases under pressure of fifteen (15) pounds or more and in quantities of greater than twenty-five hundred (2500) cubic feet; including hydrogen, illuminating, natural, ammonia, chlorine, phosgene, sulphur dioxide, carbon monoxide, methyl oxide and all gases subject to explosion, fume or toxic hazard	Kerosene, fuel, lubricating, or any oil storage with a flash point under two hundred (200) degrees F.
Ammunition, explosives and fireworks manufacture	Match manufacture or storage
Artificial flowers and synthetic leather manufacture	Metal enameling or japanning
Celluloid and celluloid products	Nitro-cellulose film exchanges and laboratories
Cereal feed flour and grist mills	Paint and varnish manufacture
Cotton batting and cotton waste processes	Paint spraying or dipping
Cotton dressmaking	Petroleum manufacture
Dry cleaning establishments using or storing more than three (3) gallons of gasoline or other hazardous liquids with a flash point under one hundred (100) degrees F., or more than sixty (60) gallons of volatile flammable liquids with flash point between one hundred (100) and one hundred and forty (140) degrees F., in a closed-cup tester (ASTM D56).	Processing of paper or cardboard in loose form
Feather renovating	Pyroxylin products manufacture and storage
Fruit ripening processes	Rag sorting and storage
Grain elevators	Refrigerating systems using high hazard refrigerants as defined in the mechanical code
Hydrogenation processes	Shoddy mills
Industries employing solids or substances which ignite or produce flammable gases on contact with water	Shoe polish manufacture
	Smoke houses (industrial)
	Straw goods manufacture or broom corn storage
	Sugar and starch pulverizing mills
	Tar, pitch or resin processing
	Tanneries with enameling or japanning
	Tire storage warehouse
	Waste paper sorting, shredding, storage or baling

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SECTION 210.0 USE GROUP S, STORAGE BUILDINGS

210.1 General: All buildings and structures or parts thereof shall be classified in the storage (S) use group which are used primarily for the storage of goods, wares or merchandise, except those that involve highly combustible or explosive products or materials; including, among others, warehouses, storehouses and freight depots.

210.2 List of moderate hazard uses: Buildings used for the storage of moderate hazard contents are likely to burn with moderate rapidity, but which do not produce either poisonous gases, fumes or explosives, including among others, the materials listed in the following Table 210.2, shall be classified in the S-1 storage use group.

Table 210.2

USE GROUP S-1 STORAGE USES, MODERATE HAZARD

Bags, cloth, burlap and paper	Linoleum
Bamboo and rattan	Livestock shelters
Baskets	Lumber yards
Belting, canvas and leather	Motor vehicle repair shops
Books and paper in rolls or packs	Petroleum warehouses for storage of lubricating oils with a flash point of three hundred (300) degrees F. or higher (see Section 905.3.)
Boots and shoes	Photo-engraving
Buttons, including cloth-covered, pearl or bone	Public garages (Group 1) and stables
Cardboard and cardboard boxes	Silk
Clothing, woolen wearing apparel	Soap
Cordage	Sugar
Furniture	Tobacco, cigars, cigarettes and snuff
Furs	Upholstering and mattress manufacturing
Glue, mucilage, paste and size	Wax candles
Horn and combs, other than celluloid	
Leather enameling or japanning	

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210.3 List of low hazard uses: Buildings used for the storage of non-combustibility materials, and of low hazard wares that do not ordinarily burn rapidly, shall be classified in the S-2 storage use group unless herein otherwise classified, including, among others, the materials listed in the following Table 210.3.

Table 210.3

USE GROUP S-2 STORAGE USES, LOW HAZARD

Asbestos	Ivory
Chalk and crayons	Metals
Food products	Porcelain and pottery
Glass	Talc and soapstones

210.4 Regulations guide: The following listing contained in Table 210.4 is a guide to the principal requirements of this code applicable to use group S, storage buildings. They are not necessarily the only, nor all, of the provisions with which compliance is required. Omission of reference to any provision shall not nullify any requirement of this code, nor exempt any structure from such requirement.

Table 210.4
STORAGE BUILDINGS REGULATIONS GUIDE

Types of construction:	Construction classification 214.0 Mixed use and occupancy 213.0 Historic buildings 436.0 Motor vehicle repair shops 416.0 Open parking structures 429.0
Allowable area:	General area limitations 305.0 Area exceptions 306.0 Subdivision of attic spaces 875.9 Unlimited area buildings 307.0
Allowable height:	General height limitations 305.0 Height exceptions 308.0
Fire separations:	Fire walls and party walls 907.0 Fire separation walls 909.0 Elevator opening protectives Article 16 Automatic fire doors and dampers 903.0 Public garages 414.0 Mixed use and occupancy 213.0 Vertical shafts 910.0 Fireresistance rated floor/roof assemblies 912.0
Exterior wall protection:	Exterior walls 906.0 Exterior opening protectives 914.0 Glazing of unprotected openings 1902.0
Fire limit requirements:	Restrictions within fire limits 302.0 Restrictions outside fire limits 303.0 Roof structures 925.0
Fireresistance:	Fire hazard classification 902.0 Fireresistance tests 903.0 Roof coverings 903.3 Opening protectives 903.4

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SECTION 212.0 DOUBTFUL USE CLASSIFICATION

212.1 General: When a building or structure is proposed for a use not specifically provided for in this code or the classification of which is doubtful, such building or structure shall be included in the use group which it most nearly resembles in respect to the existing or proposed life and fire hazard, and it shall be so classified by the building official.

SECTION 213.0 MIXED USE AND OCCUPANCY

213.1 Two or more uses: When a building is occupied for two (2) or more uses, not included in the same use group, one (1) of the following shall apply:

1. The provisions of the code applying to each use shall apply to such parts of the building as come within that use group; and if there are conflicting provisions the requirements securing the greater public safety shall apply to the entire building; or,
2. the mixed uses shall be completely separated, both horizontally and vertically, by fire separation walls and floor-ceiling assemblies having a fireresistance rating corresponding to the highest fire grading prescribed in Table 902 for the separate uses. Each part of the building shall be separately classified to use. The most restrictive height and area limitations in this code for the mixed uses shall apply to the entire building, or except as otherwise provided for in this code; or,
3. the mixed uses shall be completely separated by fire walls having a fireresistance rating corresponding to the highest fire grading prescribed in Table 902 for the separate uses. Each use group shall then comply with the provisions of this code applicable to that group.

213.1.1 Detoxification facilities: In mixed occupancies, the separation required by Sections 439.7 may be applied in lieu of the provisions of this section.

213.2 Incidental uses: Where the higher hazard use is supplemental to the main use of the building and the area devoted to such use is constructed and segregated by fireresistance rated construction as required in Article 4, the building shall be classified according to the main use.

SECTION 214.0 CONSTRUCTION CLASSIFICATION

214.1 General: All buildings and structures erected or to be erected, altered or extended in height or area shall be classified in any one (1) or in a combination of the four (4) construction types herein defined:

1. Type 1, fireproof construction;
2. Type 2, noncombustible construction;

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3. Type 3, exterior masonry wall construction; and
4. Type 4, frame construction.

214.2 False designation: A building shall not be designated a given type of construction unless it conforms to the minimum requirements for that type; and it shall be unlawful to post, or use, or designate, or advertise a building as of a given type of construction unless it complies with the minimum code requirements for that type.

214.3 Minimum requirements: When a superior type of construction is used in preference to the minimum herein required for any special use, nothing in this code shall be construed to require full compliance with the specifications for the higher type; but the designated construction classification of the building shall be that of the lesser requirement, unless all the requirements for the higher type are fulfilled.

Note: Table 214 appears at the end of this article.

SECTION 215.0 TYPE 1, FIREPROOF CONSTRUCTION

215.1 General: Buildings and structures of fireproof construction are those in which the walls, partitions, structural elements, floors, ceilings, and roofs, and the exitways are constructed and protected with approved noncombustible materials to afford the fireresistance rating specified in Table 214, except as otherwise specifically regulated by the provisions of Article 9. Fireproof buildings shall be further classified as Types 1A and 1B. Fire-retardant treated wood may be used as specified in Table 214 and Section 903.6.

SECTION 216.0 TYPE 2, NONCOMBUSTIBLE CONSTRUCTION

216.1 General: Buildings and structures of noncombustible construction are those in which the walls, partitions, structural elements, floors, ceilings, roofs, and the exitways are constructed of approved noncombustible materials meeting the fireresistance rating requirements specified in Table 214, except as modified by the fire limit restrictions of Article 3, and as further regulated in Article 9. Noncombustible buildings shall be further classified as Types 2A, 2B, and 2C. Fire-retardant treated wood may be used as specified in Table 214 and Section 903.6.

SECTION 217.0 TYPE 3, EXTERIOR MASONRY WALL CONSTRUCTION

217.1 General: Buildings and structures of exterior masonry wall construction are those in which the exterior, fire and party walls are constructed of masonry or other approved noncombustible materials, of the required fireresistance rating and structural properties; and the floors, roofs, and interior framing are wholly or partly of wood or of metal or other approved construction; the fire and party walls are ground supported; except that girders and their supports carrying walls of masonry

shall be protected to afford the same degree of fireresistance rating of the walls supported thereon; and all structural elements have the required fireresistance rating specified in Table 214.

217.2 Type 3A: Buildings and structures of heavy timber construction are those in which fireresistance rating is attained by placing limitations on the minimum sizes of wood structural members and on minimum thickness and composition of wood floors and roofs; by the avoidance, or by the proper protection by firestopping or other acceptable means, of concealed spaces under floors and roofs; by the use of approved fastenings, construction details, and adhesives for structural members; and by providing the required degree of fireresistance rating in exterior and interior walls (see Section 853.0 for construction details).

217.2.1 Columns: Wood columns may be sawn or glued laminated and shall be not less than eight (8) inches, nominal, in any dimension when supporting floor loads and not less than six (6) inches, nominal, in width and not less than eight (8) inches, nominal, in depth when supporting roof and ceiling loads only.

217.2.2 Floor framing: Beams and girders of wood may be sawn or glued laminated and shall be not less than six (6) inches, nominal, in width and not less than ten (10) inches, nominal, in depth. Framed or glued laminated arches which spring from the floor line and support floor loads shall be not less than eight (8) inches, nominal, in any dimension. Framed timber trusses supporting floor loads shall have members of not less than eight (8) inches, nominal, in any dimension.

217.2.3 Roof framing: Framed or glued laminated arches for roof construction which spring from the floor line or from grade and do not support floor loads shall have members not less than six (6) inches, nominal, in width and not less than eight (8) inches, nominal, in depth for the lower half of the height and not less than six (6) inches, nominal, in depth for the upper half. Framed or glued laminated arches for roof construction which spring from the top of walls or wall abutments, framed timber trusses, and other roof framing which do not support floor loads, shall have members not less than four (4) inches, nominal, in width and not less than six (6) inches, nominal, in depth. Spaced members may be composed of two (2) or more pieces not less than three (3) inches, nominal, in thickness when blocked solidly throughout their intervening spaces or when such spaces are tightly closed by a continuous wood cover plate of not less than two (2) inches, nominal in thickness, secured to the underside of the members. Splice plates shall be not less than three (3) inches, nominal, in thickness. When protected by approved automatic sprinklers under the roof deck, framing members shall be not less than three (3) inches, nominal, in width.

217.2.4 Flooring: Floors shall be without concealed spaces and shall be of sawn or glued laminated plank, splined, or tongue-and-groove, of not

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less than three (3) inches, nominal, in thickness covered with one (1) inch, nominal, dimension tongue-and-groove flooring, laid crosswise or diagonally, or one-half (1/2) inch plywood, or one-half (1/2) inch particle board; or of planks not less than four (4) inches, nominal, in width, set on edge close together and well spiked, and covered with one (1) inch, nominal, dimension flooring, or one-half (1/2) inch plywood, or one-half (1/2) inch particle board.

217.2.5 Roof decking: Roofs shall be without concealed spaces and roof decks shall be sawn or glued laminated, splined or tongue-and-groove plank, not less than two (2) inches, nominal, in thickness, one and one-eighth (1 1/8) inches thick interior plywood (exterior glue), or of planks not less than three (3) inches, nominal, in width, set on edge close together and laid as required for floors. Other types of decking may be used if providing equivalent fireresistance rating and structural properties.

217.2.6 Bearing walls: Bearing portions of exterior and interior walls shall be of approved noncombustible material and shall have a fireresistance rating of not less than two (2) hours.

217.2.7 Nonbearing walls: Nonbearing portions of exterior walls shall be of approved noncombustible materials, except as otherwise noted and where a horizontal separation of less than twenty (20) feet is provided, nonbearing exterior walls shall have a fireresistance rating of not less than two (2) hours. Where a horizontal separation of twenty (20) feet to thirty (30) feet is provided, nonbearing exterior walls shall have a fireresistance rating of not less than one (1) hour. Where a horizontal separation of thirty (30) feet or more is provided, fireresistance rating is not required. Where a horizontal separation of twenty (20) feet or more is provided, wood columns and arches conforming to heavy timber sizes may be used externally.

217.3 Type 3B: Structures of Type 3B (ordinary protected) shall include all exterior masonry wall buildings in which the interior structural elements are wholly or partly of fire-protected wood of not less than two (2) inch nominal thickness, or of other approved protected combustible materials, or of metal protected and insulated to afford the fireresistance rating specified in Table 214.

217.4 Type 3C: Structures of Type 3C (ordinary unprotected) construction shall include all exterior masonry wall buildings in which the interior structural members are of wood of not less than two (2) inch nominal thickness or consist of other combustible or noncombustible materials with protection of less than one (1) hour fireresistance rating.

SECTION 218.0 TYPE 4, FRAME CONSTRUCTION

218.1 General: Buildings and structures of frame construction are those in which the exterior walls, bearing walls, partitions, floor and roof

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construction are constructed wholly or partly of wood stud and joist assemblies with a minimum nominal dimension of two (2) inches, or of other approved combustible materials; with firestopping at all vertical and horizontal draft openings as regulated in Section 875.0, and in which the structural elements have the required fireresistance ratings specified in Table 214. Frame buildings shall be further classified as Types 4A and 4B according to Table 214.

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be permitted, provided such changes, in the opinion of the building official, do not increase the size or the fire hazard of the building, or endanger the public safety, and are not specifically prohibited by this code.

304.1.3 Existing projections: A change or enlargement shall not be made to an existing part of a building now projecting beyond the street lot line or building line where such is established by law, except in conformity to the provisions of Section 310.0 governing new construction.

304.2 Increase in height and area: It shall be unlawful to increase the height or area of an existing building or structure, unless it is of a type of construction permitted for new buildings of the increased height and area, and of a use group within the fire limit in which it is located and as regulated by Table 305.

SECTION 305.0 GENERAL AREA AND HEIGHT LIMITATIONS

305.1 General: The areas and heights of all buildings and structures between exterior walls, or between exterior walls and fire walls, shall be governed by the type of construction and the use group classification as defined in Article 2 and shall not exceed the limits fixed in Table 305, except as these may be specifically modified by other provisions of this article and Article 4.

305.2 Area limit: The area limitations specified in Table 305 shall apply to all buildings fronting on a street, or public space not less than thirty (30) feet in width accessible to a public street.

305.3 Height limit: The height in feet and number of stories specified in Table 305 shall apply to all buildings and to all separate parts of a building enclosed within lawful fire walls complying with the provisions of Article 9.

305.4 Multi-story buildings: Building two (2) stories in height may be built to the same area limits provided in Table 305 for one (1) story buildings. In buildings over two (2) stories in height, the area limits of Table 305 for one (1) story buildings shall be reduced as specified in the following Table 305.4.

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TABLE 305

HEIGHT AND AREA LIMITATIONS OF BUILDINGS

eight limitations of buildings (shown in upper figure as stories and feet above grade), and area limitations of one or two-story buildings facing on one street or public space of less than 30 feet wide (shown in lower figure as area in square feet per floor).

ee Note a. Table notes appear on page 123 following. N.P.-Not permitted

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Notes applicable to Table 305

Note a. See the following sections for general exceptions to Table 305.

Section 305.4 Allowable area reduction for multi-story buildings

Section 306.2 Allowable area increase due to street frontage

Section 306.3 Allowable area increase due to automatic fire suppression system installation

Section 307.0 Unlimited area one-story buildings

Section 308.1 Allowable height increase due to automatic fire suppression system installation

Note b. Type 1 buildings permitted unlimited tabular heights and areas are not subject to special requirements that allow increased heights and areas for other types of construction.

Note c. The tabular area of one-story school buildings of use group A-4 may be increased two hundred (200) per cent provided every classroom has at least one (1) door opening directly to the exterior of the building. Not less than one-half ($\frac{1}{2}$) of the required exitways from any assembly room included in such buildings shall also open directly to the exterior of the building.

Note d. Church auditoriums of Type 3A construction may be erected to sixty-five (65) feet in height, and of Type 4 construction to forty-five (45) feet in height.

Note e. For exceptions to height and area limitations of high hazard use buildings, see Article 4 governing the specific use. For other special fireresistive requirements governing specific uses, see Section 905.0.

Note f. For exceptions to height of multi-family dwellings of Types 2B and 3B construction, see Section 905.6.

Note g. For height and area exceptions covering open parking structures, see Section 429.0.

Note h. Deleted.

Note i. The tabular area for use group A-4 schoolhouse, Type 4B construction, shall be limited to forty-eight hundred (4800) square feet, one (1) story and twenty (20) feet high (no increase allowed for sprinklers or accessibility).

Note j. See Section 434.4 for applicable height and area limitations.

Note k. For R-1 detoxification facilities see Table 439.6

Table 305.

PER CENT REDUCTION OF AREA LIMITS

No. of stories	Type of construction			
	1A & 1B	2A	2B, 2C, 3A, 3B, 3C, 4A, 4B	
1	None	None	None	
2	None	None	None	
3	None	5%	20%	
4	None	10%	20%	
5	None	15%	30%	
6	None	20%	40%	
7	None	25%	50%	
8	None	30%	60%	
9	None	35%	70%	
10	None	40%	80%	

SECTION 306.0 AREA EXCEPTIONS

306.1 General: The provisions of this section shall modify the area limits of Table 305 as herein specified.

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SECTION 434.0 DAY CARE CENTERS

434.1 General: Day care centers shall be subject to the applicable provisions of this code and the special requirements of this section. Day care centers licensed by the Office for Children may be subject to compliance with the rules and regulations of that authority. These provisions shall apply to new and existing day care centers.

434.2 High hazard restriction: A day care center shall not occupy the same building with, or be located within two hundred (200) feet of a high hazard occupancy.

434.3 Day care center use groups

434.3.1 Less than two years and nine months in age: Buildings and portions thereof licensed by the Office for Children as day care centers for children two (2) years and nine (9) months in age or younger shall be classified as I-2 use group.

434.3.2 More than two years and nine months in age: Buildings and portions thereof licensed by the Office for Children as day care centers for children more than two (2) years and nine (9) months in age shall be classified as A-4 use group.

434.4 Height and area limitations

434.4.1 I-2 limitations: Existing buildings containing day care occupancies (use group I-2) not in conformance with the height and area limitations of Table 305 shall be limited to not more than three (3) stories and forty (40) feet in height. The day care center shall be restricted to the first floor and cellar or basement use and not more than two thousand four hundred (2,400) square feet per floor. All required egresses shall be directly to grade.

434.4.2 A-4 limitations: Existing buildings containing day care occupancies (use group A-4) not in conformance with the height and area limitations of Table 305 shall be limited to not more than three (3) stories and forty (40) feet in height. The day care center shall be restricted to the first two (2) stories and the basement or cellar use and not more than four thousand eight hundred (4,800) square feet per floor.

434.4.3 Increases: Increases in height or area shall not be allowed for A-4 or I-2 day care center use groups.

434.5 Day care centers classified as I-2 use group

434.5.1 Basement and cellar use in Types 3C and 4B construction

434.5.1.1 Basement use: A basement, as defined in this code, of a Type 3C or 4B construction may be used for a day care center in accord-

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ance with the following requirements: there shall be two (2) separate and independent means of egress, remote from each other:

1. leading to grade; or
2. leading to a one (1) hour fire-rated enclosed stairway not more than four (4) feet in height vertically which leads directly to grade and is separated from any other use as an egress by one (1) hour fire-rated partitions and self-closing doors.

434.5.1.2 Cellar use: A cellar, as defined in this code, of a Type 3C or 4B construction may be used for a day care center in accordance with the following requirements:

1. There shall be at least two (2) separate and independent interior means of egress, remote as possible from each other and leading directly to grade or to a one (1) hour fire-rated enclosed stairway not more than four (4) feet in height, vertically. Any such stairway serving as a required means of egress from a day care center shall serve only the day care center.
2. Smoke detectors shall be located in the story of use and in the story below, if one exists, directly beneath the area being used for the day care center.
3. Interior stairways used as required means of egress shall contain smoke detectors connected to alarms audible throughout the day care center.

434.6 Egress requirements for I-2 and A-4 day care center use groups

434.6.1 Below grade: All day care centers or parts thereof located below grade, except for I-2 day care center use in Types 3C and 4B construction is provided in Sections 434.5.1.1 and 434.5.1.2, shall conform to the following requirements:

1. There shall be at least two (2) separate and independent means of egress, remote as possible from each other, at least one (1) of
2. Required interior stairways shall be of at least one (1) hour fire-rated construction enclosed with self-closing fire doors.
3. Required interior stairways shall contain smoke detectors connected to alarms audible throughout the day care center.

434.6.2 Egress on floors other than basement or cellar: Each story of the day care center shall be provided with not less than two (2) independent means of egress, remote as possible from each other, and such additional approved means of egress leading from the occupied spaces so that to reach an egress it will not be necessary to pass through a common corridor or space.

434.6.2.1 Buildings of Types 1, 2A and 2B construction: In buildings of Types 1, 2A or 2B construction, except for R-2 use group, equipped with a fire suppression system in compliance with Section 1202.0, a single common corridor shall be acceptable for providing access to two (2) means of egress as required in this section.

434.6.2.2 Common corridors used as exitways: Common corridors may be subdivided, for the purpose of Section 424.6.2 to provide separate and independent exitways by using smoke stop partitions complying with the provisions of this code. The doors in the smoke stop partitions may be equipped with an automatic hold open device connected to smoke or smoke and heat detectors and designed to close automatically by activation of the detector system.

434.6.2.3 Egress from each room: Two (2) approved means of egress located as remotely as possible from each other shall be required for each occupied room. One (1) such required egress may be made by communicating door.

434.6.3 Roof egress: Where the roof is used by a day care center, two (2) enclosed stairways shall be provided, one (1) leading directly to an enclosed exitway system and one (1) leading to a corridor on a floor below that leads to two (2) remote and independent exitways. The stairways shall comply with all the provisions of Section 434.0 and this code.

434.6.4 Egress lighting: Egress lighting shall be provided in conformance with Article 6, including requirements for emergency lighting.

434.6.5 Doorways: All required exitway doorways shall be at least thirty-six (36) inches in width. All other egress doorways shall be at least thirty-two (32) inches in width.

434.6.6 Handrails: All required egress stairways shall be provided with double handrails on both sides, and these shall be continuous including all runs and platforms and shall be built as follows.

1. The upper rail shall be not less than thirty (30) inches nor more than thirty-three (33) inches, measured vertically, above the nosing of the treads.
2. The lower rail shall be installed at approximately twenty (20) inches high measured vertically at the face of the riser.

434.7 Heating system: Any portable or permanent heater in spaces occupied by children shall be separated from the occupied space by partitions, guards, screens, or other means. Space and unit heaters using combustible fuels shall be prohibited.

434.8 Boiler rooms: Boilers, furnaces or other fire units shall be enclosed as required in Section 1105.0. Boiler room doors shall not open into occupied areas.

434.9 Roofs: Where a roof is used by a day care center, there shall be a solid, smooth non-climbable fence or barrier a minimum of seven (7) feet high on all sides and separating the day care center area from any other uses. Fences shall be set back at least three (3) feet from the outside edge of the exterior wall below. A weatherproof telephone or equivalent means of communication shall be provided for use in emergencies and shall be openable without keys, coins, etc.

434.10 Fire alarm systems: Fire alarm systems shall be provided in day care centers in accordance with the requirements of this section. The requirements of Sections 434.5.1.2 and 434.6.1 may be combined with the requirements of this section.

1. Facilities for up to twenty-four (24) children shall be provided with a manual alarm system which will sound an alarm audible throughout the day care center.
2. Facilities for twenty-five (25) or more children shall be provided with an automatic alarm system consisting of approved smoke detectors located as provided in Section 434.11 and audible throughout the day care center or throughout each floor of the center. In addition, there shall be at least one (1) manual alarm on each floor of the day care center which will sound on all floors when actuated.

434.11 Location of detectors: Smoke detectors shall be installed on the ceiling of each story occupied by the day care center above or in front of the doors to the stairways and at not greater than thirty (30) foot spacing in the corridor providing required means of egress on all floors of the day care center. Smoke detectors shall also be installed in all accessory spaces of the day care center not used for children, including storage over one hundred (100) square feet in area. All required detectors shall be located on the same circuit and interconnected so that when one (1) sounds, all will sound. Required detectors shall meet the requirements of UL 217 as listed in Appendix I and shall have an alarm decibel rating of at least 85.

434.12 Floor and ceiling protection: When the floor occupied by the day care center is above any usable space, the floor shall have a minimum of three quarter (3/4) hour fire rating. When the floor occupied by the day care center is below any usable space, the ceiling shall have at least a three quarter (3/4) hour fire rating or the floor above shall be equipped with smoke detectors.

SECTION 435.0 SUMMER CAMPS FOR CHILDREN

435.1 Definition: Summer camps for children include premises, operated solely between April and October of each year for recreational or other purposes, and having residential facilities. The use of such accommodations for purposes of inspection, certification and inspection fees shall be considered as being similar to a dormitory in R-2 use group and subject to the following provisions of this section.

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435.2 New and existing occupancies: These regulations shall apply to existing and new summer camps for children as defined in Section 435.1 of this code.

435.3 Means of egress: All one-story, one-room buildings having one thousand (1,000) square feet or less and having twenty-five (25) occupants or less shall require only one (1) means of egress provided that:

1. the length of travel does not exceed fifty (50) feet from any point in the building to the outside at grade; and,
2. the minimum width for aisles and corridors shall be three (3) feet.

435.3.1 Emergency escape: Every sleeping room shall have at least one (1) exterior door or openable window to permit emergency exit or rescue; the windows shall conform to the following restrictions:

1. must be openable from the inside without the use of separate tools;
2. the sill height shall not be more than thirty-six (36) inches above the finish floor and with a maximum six (6) foot drop from the window sill to grade below the window; and
3. provide a minimum net clear opening area of three and three tenths (3.3) square feet with a rectangle having minimum net clear opening dimensions of twenty (20) inches by twenty-four (24) inches.

435.4 Fire protection: Smoke detectors shall be required for existing and new residential units in accordance with Section 1216.0 of this code and may be either A.C. wired or battery-operated.

Exception: Tents and other temporary shelters which are designed to sleep less than eight (8) persons and which have an open side consisting of greater than one sixth (1/6) of the perimeter of the shelter or which have built-in provisions for emergency escape.

435.5 Mechanical: If camps are heated, then the building must conform to all applicable code sections and specialized codes, notwithstanding any of the provisions in Section 435.0.

435.6 Enforcement and inspections: Enforcement shall be by the local building official who shall inspect and certify the summer camps yearly, prior to season opening. Fees charged shall be in accordance with Table 108 of this code.

SECTION 436.0 HISTORIC BUILDINGS

436.1 Scope: The provisions of Section 436.0 shall govern all buildings and structures in the Commonwealth which are legally designated as historic buildings. This section shall preempt all other regulations of this code governing the reconstruction, alterations, change of use and occu-

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pancy, repairs, maintenance and additions for the conformity of historic buildings and structures to this code, with the exception of Section 126.0 for appeals, or unless otherwise specified (see Appendix U).

436.2 Definitions

Historic buildings: Any individual building or structure, but excluding districts, so designated by the National Register of Historic Places or certified by the Massachusetts Historic Commission and ratified by the Massachusetts Building Code Commission as listed in Appendix U. Historic buildings shall be further defined as totally or partially preserved buildings.

Partially preserved buildings: Any building or structure designated as a historic building by the State Building Code Commission or listed in the National Register of Historic Places and not designated as a totally preserved building in Appendix U.

Restoration: Restoration is the process of accurately reconstructing the form and details of a building or structure or portion thereof as it appeared at a particular period or periods of time by means of removal of later work and/or the replacement of missing original work.

Totally preserved buildings: A totally preserved building is a historic building or structure. The principal use of such a building or structure must be as an exhibit of the building or structure itself which is open to the public not less than twelve (12) days per year, although additional uses, original or ancillary to the principal use, shall be permitted within the same building up to maximum of twenty-five (25) per cent of the gross floor area. Totally preserved buildings shall be those listed in Appendix U.

436.3 Totally preserved buildings

436.3.1 **State Building Code exceptions:** A totally preserved building shall be subject to the following exceptions:

1. Repairs, maintenance and restoration shall be allowed without conformity to this code if the provisions of Section 436.4 have been fully complied with.
2. In case of fire or other casualty to a totally preserved building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to its original condition and use group.
3. If a historic building or structure, as a result of proposed work, would become eligible for certification as a totally preserved building and the Massachusetts Historical Commission so certifies by affidavit and it is submitted to the building official with the permit

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application, then the building official shall allow the work to proceed under the provisions of this section.

436.4 Mandatory safety requirements: All totally preserved buildings shall comply to the following requirements:

436.4.1 Fire protection equipment: Fire protection equipment shall be provided according to the following requirements.

1. Manual fire extinguishing equipment: all use groups, other than residential R-3, shall have approved manual fire extinguishing equipment, as determined by the fire official.
2. Automatic fire warning system: all residential buildings in use groups R-1, R-2, and R-3 shall conform to the requirements of Section 1216.3.2 of this code. All other use groups shall comply with Items a and b below:
 - a. Locations: provide one (1) smoke detector, but not less than one, for every twelve hundred (1200) square feet of floor area per level. In addition, all lobbies, common corridors, hallways and exitway access and discharge routes shall be provided with approved smoke detectors with not more than thirty (30) foot spacing between detectors. All required smoke detectors shall have an alarm audible throughout the structure or building.
 - b. Single station and multiple station smoke detection devices: smoke detectors of single station and multiple station types shall meet the requirements of U.L. 217 and be listed or approved by a nationally-recognized fire-testing laboratory.
3. Manual pull stations: a manual fire alarm pull station shall be provided in the natural path of egress in all use groups except R-3. Manual pull stations shall be connected to the building fire warning system in conformance with NFPA 72A as listed in Appendix B.

436.4.2 Exit signs and emergency lights: Approved exit signs and emergency lighting, where designated by the local building official, shall be provided in compliance with Sections 623.0 and 624.0 of this code.

Exception: All totally preserved buildings need not comply with Sections 623.0 and 624.0 if not occupied after daylight hours, except that paths of egress shall have exit signs.

436.4.3 Maximum occupancy: Occupancy shall be limited by the actual structural floor load capacity as certified by a qualified Massachusetts registered professional engineer or architect or as per Section 606.0, whichever is less. Said floor load shall be posted as per the procedures set forth in Sections 119.0, 120.0 and 705.0. The owner shall submit

evidence of this certification and related computations to the building official upon request.

436.4.4 Limited egress: Where one or more floors of a totally preserved building are limited to one (1) means of egress, the occupancy load shall be computed as follows:

1. Floors below the first story: not more than one (1) occupant per one hundred (100) square feet of gross floor area with a maximum occupancy of forty-nine (49).
2. First story: not more than one (1) occupant per fifty (50) square feet of gross floor area.
3. Second story and above: not more than one (1) occupant per one hundred (100) square feet of gross floor area, or thirty (30) occupants per unit of egress width, whichever condition results in the lesser occupancy load.

436.4.5 Inspections: The building official and fire official shall inspect all totally preserved buildings not less frequently than once every year in order to determine that the building or structure continues to conform to Section 436.4. A qualified Massachusetts registered professional engineer or architect shall certify every five (5) years thereafter as to the exact floor load capacity of the building or structure. The building official shall certify all totally preserved buildings not less frequently than once every year. Fees shall be established at \$25 per building per inspection.

436.5 Historic buildings not qualified as totally preserved

436.5.1 Applicability: This section and Article 22 shall apply to all historic buildings which are not defined as totally preserved buildings.

436.5.2 Continuation of use and occupancy: The legal use and occupancy of any partially preserved building may be continued without change or further compliance to this code. The provisions of Section 436.4 shall be required for historic buildings accessible to the public on more than fifty (50) days per year.

436.5.3 Inspection, certification and fees: The building inspector shall inspect all partially preserved buildings not less frequently than once a year in order to determine that the building or structure continues to conform to Sections 436.5 and/or 436.4. If in conformance, then he shall issue a certification. Fees shall be in conformance with Table 108.

436.5.4 Fire damage: If a building or structure is damaged from fire or other casualty, it may be restored to its original condition using techniques and methods consistent with its original construction, or it shall meet the requirements of this code provided these requirements do not compromise the features for which the building was considered historic when listed in Appendix U of this code or the National Register of His-

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toric Places.

436.5.5 Repairs and maintenance: See Article 22.

436.5.6 Change in occupancy: See Article 22.

436.5.7 New systems: See Article 22.

436.5.8 Lesser and equal hazard: See Article 22.

436.5.9 Greater hazard: See Article 22.

SECTION 437.0 OPEN WELLS

437.1 General: Open wells are to be classified as either atriums (Section 437.2) or floor openings (Section 437.3) and shall be permitted in all buildings in other than use group H (high hazard) when provided with the protection herein required.

437.1.1 Fire suppression: An approved automatic fire suppression system shall be installed throughout all floor areas connected by the open well in accordance with the provisions of Article 12, except those floor areas separated from the open well by fire separation assemblies conforming to Table 214.

437.1.2 Use: The floor of the open well shall not be used for other than low fire hazard uses and only approved materials and decorations may be used in the open well space.

The open well space may be used for any approved use when the individual space is provided with an approved fire suppression system.

437.1.3 Exitways: An open well connecting not more than three (3) floor levels may contain an exitway as permitted by Section 616.10.

437.1.4 Standby power: All equipment required to provide smoke control shall be connected to a standby power system meeting the requirements of Section 431.9.

437.1.5 Acceptance of the smoke control system: Before the certificate of occupancy is issued, the smoke control system shall be tested in an approved manner to show compliance with the requirements of this section.

437.1.6 Inspections of the smoke control system: All operating parts of the smoke control system (including dampers) shall be tested by the owner every three (3) months and a log of the tests shall be kept for examination by the fire department. At six (6) month intervals the system shall be inspected and operated in accordance with the Basic Fire Prevention Code listed in Appendix B.

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SECTION 503.0 STANDARDS OF NATURAL VENTILATION

503.1 General: In the application of the provisions of this article, the standard of natural ventilation for all habitable and occupiable rooms shall be based on a volume of four hundred (400) cubic feet of air per occupant with ventilating skylights, monitors, louvres, windows, transoms, doors or other alternate ventilating devices located in the exterior walls or on the roof of the building as provided in Sections 506.0 to 514.0 inclusive.

SECTION 504.0 ARTIFICIAL LIGHT AND VENTILATION

504.1 When required: When natural light and ventilation do not meet the minimum requirements of this code, or when rooms, which by use or occupancy, involve the presence of dust, fumes, gases, vapors or other noxious or deleterious impurities that create a fire or health hazard, or when required by the provisions of Article 4 for special uses, the building shall be equipped with artificial light and mechanical means of ventilation under the conditions and of the minimum capacity prescribed herein and in the mechanical code listed in Appendix B.

504.2 Operation of ventilating systems: Where mechanical ventilation is accepted as an alternate for natural means of ventilation, or is required under the conditions herein prescribed, the system, equipment and distributing ducts shall be installed in accordance with the provisions of Article 10 and the mechanical code listed in Appendix B. Ventilating systems shall be kept in operation at all times during normal occupancy of the building or space so used.

504.3 Habitable rooms: The glazed areas of windows and exterior doors in habitable rooms and spaces need not be openable where an approved mechanical ventilation system is provided capable of producing two (2) changes of air per hour. Recirculation of not more than seventy-five (75) per cent of the air supplied may be permitted in habitable rooms except kitchens, provided the air recirculated does not come from a plenum or system fed with air returned from habitable rooms occupied by other families, or from the stairways or common hallways; except that recirculation of one hundred (100) per cent of the air supplied may be permitted if the system supplies only a single dwelling unit.

SECTION 505.0 EXISTING BUILDINGS

505.1 Unsafe conditions: In all existing rooms or spaces in which the provisions for light and ventilation do not meet the requirements of this article and which, in the opinion of the building official, are dangerous to the health and safety of the occupants, he shall order the required repairs or installations to render the building or structure livable for the posted use and occupancy load.

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505.2 Alterations: A building shall not hereafter be altered or rearranged so as to reduce either the size of a room, or the fresh air supply, or the amount of available natural light to less than that required for buildings hereafter erected; or to create an additional room unless made to conform to the requirements of Section 506.0. The building official may permit new rooms to be of the same height as existing rooms in the same story unless in his opinion greater provision of artificial light and ventilation is deemed necessary to insure healthful living conditions.

505.3 Uncovered yard and court area: A building shall not be hereafter enlarged, nor shall the lot on which it is located be diminished so as to decrease the required courts or yards to less than that prescribed in this article for the lighting and ventilation of new buildings.

SECTION 506.0 NATURAL LIGHTING AND VENTILATION OF ROOMS

506.1 Window and skylights: All habitable and occupiable rooms or spaces shall contain windows, skylights, monitors, glazed doors, transoms, glass block panels or other light transmitting media opening to the sky or on a public street, yard or court complying with the provisions of this article. The light transmitting properties and the area of the devices used shall be adequate to meet the minimum daylighting and ventilating requirements specified herein and in the approved rules.

506.2 Window size: Windows and exterior doors may be used as a natural means of light and ventilation, and when so used their aggregate glass area shall amount to not less than eight (8) per cent of the floor area served, and with not less than one-half (1/2) of this required area available for unobstructed ventilation.

506.3 Openings on yards and courts: In order to be credited as a source of natural light or ventilation under the provisions of this article, a window or any other approved device shall open directly on a public street, alley or other open public space, or on a yard or court located on the same lot or plot complying with the requirements of Sections 516.0, 517.0 and 518.0.

506.4 Alternate devices: In place of the means for natural light and ventilation herein prescribed, alternate arrangement of windows, louvres, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the code.

506.5 Room dimensions

506.5.1 Ceiling heights: Habitable (space) rooms, other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven (7) feet three (3) inches. Hallways, corridors, bathrooms, water closet rooms, and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) of the area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet.

506.5.2 Floor area: Habitable rooms except kitchens shall have an area of not less than seventy (70) square feet between enclosing walls or partitions, exclusive of closet and storage spaces.

506.5.3 Width: No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

SECTION 507.0 LIGHTING AND VENTING OF SPECIAL SPACES

507.1 Alcove rooms: When alcove rooms open without obstruction into adjoining rooms, the required window openings to the outer air shall be based on the combined floor area of room and alcove. An alcove space shall not be more than sixty (60) square feet in area and the opening to the adjoining room shall be not less than eighty (80) per cent of the superficial area of the dividing wall, unless provided with separate means of light and ventilation.

507.2 Attic ventilation: Enclosed attics, and enclosed rafter spaces formed where ceilings are applied direct to the underside of the roof rafters, shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain and snow, sized by the following criteria:

1. With a ceiling vapor barrier installed: attics with a ceiling vapor barrier shall be ventilated with screened openings of at least one (1) square foot of free vent area for each three hundred (300) square feet of ceiling area.
2. Without a ceiling vapor barrier installed: attics without a ceiling vapor barrier installed shall be ventilated with screened openings of at least one (1) square foot of free vent area for each one hundred and fifty (150) square feet of ceiling area.
3. Flat roofs: blocking and bridging shall be arranged so as not to interfere with the movement of air. Such roofs shall be ventilated along the overhanging eaves with at least one (1) square foot of free vent area for each two hundred and fifty (250) square feet of ceiling area.

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4. Eave vents: when eave vents are installed, adequate baffling shall be provided to deflect the incoming air above the surface of the insulation. Baffles shall be installed prior to insulation, and shall be installed over the exterior wall at an angle to provide a two (2) inch minimum clearance under the roof deck for upward flow of ventilation air to the fixed vents in the upper portion of the attic. The ridge or gable vent must be at least three (3) feet above the level of the eave vents.

507.3 Underfloor space ventilation: Enclosed underfloor spaces shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain and snow, sized by the following criteria.

1. With a ground vapor barrier: underfloor spaces with a vapor barrier installed on the ground surface shall be ventilated with screened openings of one (1) square foot of vent area for each fifteen hundred (1500) square feet of crawl space.
2. Without a ground vapor barrier: underfloor spaces without a vapor barrier installed on the ground surface shall be ventilated with screened openings of one (1) square foot of vent area for each fifty (50) square feet of crawl space.

SECTION 508.0 BASEMENTS AND CELLARS

508.1 General: Except as may be otherwise specified for habitable or occupiable rooms or specifically provided in Article 4 for special uses, the glass window area in basements and cellars, except crawl spaces as provided in Section 507.3, shall be not less than one-fiftieth (1/50) of the floor area served, and provisions shall be made for fresh air supply prescribed for specific uses in Section 514.0 and the mechanical code listed in Appendix B.

SECTION 509.0 BUSINESS AND WORK ROOMS

509.1 General: Offices, stores, mercantile and salesrooms, restaurants, markets, bakeries, hotel and restaurant kitchens, factories, workshops, machinery and boiler rooms shall be provided with the required windows specified in Section 506.0 for habitable and occupiable rooms, opening directly on a street or required yard or court; or such rooms shall be equipped with an approved system of mechanical ventilation complying with Section 504.0 and the mechanical code listed in Appendix B.

SECTION 510.0 ASSEMBLY ROOMS

510.1 General: In addition to the requirements of Article 4 for special uses, the required windows or other approved devices for natural ventilation shall be distributed as equally as practicable on at least two (2)

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sides of the room; and artificial lighting shall comply with the requirements of this article and Article 15.

SECTION 511.0 ROOMS OF INSTITUTIONAL BUILDINGS

511.1 General: In buildings of the institutional use group, every habitable and occupiable room shall be provided with light and ventilation as herein provided, except that in buildings used for enforced detention of people (use group I-1) indirect openings to the street or court may be permitted through intermediate corridors or by other approved means of light and ventilation.

SECTION 512.0 BATH AND TOILET ROOMS

512.1 General: Every bath and toilet room shall be lighted and ventilated by one (1) of the methods prescribed in Sections 512.2 through 512.7.

512.2 Exterior windows: Windows opening to the outer air as provided in Section 506.0 but not less than three (3) square feet in area.

512.3 Vent shaft windows: Windows as provided in Section 506.0 but not less than three (3) square feet in area, opening on a vent shaft with a cross-sectional area of one (1) square foot for every foot in height, but not less than nine (9) square feet in area, open to the outer air at top or constructed with equivalent side louvre openings.

512.4 Vents and ducts: Individual vents or ducts constructed of approved noncombustible materials complying with Section 1009.0 with a minimum cross-sectional area of one-half (1/2) square foot and one-third (1/3) additional square foot for each additional water closet or urinal above two (2) in number. Such ducts shall be of adequate height and so located as to insure a minimum supply of two (2) cubic feet of fresh air per square foot of room area.

512.5 Skylights: A skylight of approved noncombustible construction complying with Section 925.3, and not less than three (3) square feet in area with ventilating opening.

512.6 Mechanical ventilating systems: Any system of mechanical or gravity ventilation capable of producing a change of air every 12 minutes in private bathrooms. Public bathroom mechanical ventilation systems shall comply with the mechanical code listed in Appendix B.

512.6.1 Recirculation: Recirculation of air supplied to toilet rooms, bathrooms and rest rooms shall not be permitted.

512.7 Artificial lighting: Illumination shall be provided in all toilet rooms to afford an average intensity of three (3) foot candles measured at a level thirty (30) inches above the floor.

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structural members supporting such elements unless otherwise provided for in this code.

Table 902

FIRE GRADING OF USE GROUPS

Class	Use group	Fire grading in hours
A-1	Assembly, theatres	3
A-2	Assembly, night clubs	3
A-3	Assembly, recreation centers, lecture halls, terminals, restaurants	2
A-4	Assembly, churches, schools	1½
B	Business	2
F	Factory and industrial	3
H	High hazard	4
I-1	Institutional, restrained occupants	3
I-2	Institutional, incapacitated occupants	2
M	Mercantile	3
R-1	Residential, hotels	2
R-2	Residential, multifamily dwellings	1½
R-3	Residential, 1 and 2 family dwellings	1
S-1	Storage, moderate hazard	3
S-2	Storage, low hazard	2

902.2 Unclassified uses: The building official shall determine the fire hazard classification of a building or structure design for a use not specifically provided in Table 902 in accordance with the fire characteristics and potential fire hazard of the use group which it most nearly resembles.

SECTION 903.0 FIRERESISTANCE TESTS

903.1 Structural building assemblies: Built-up masonry units and composite assemblies of structural materials including walls, partitions, columns, girders, beams and slabs and assemblies of slabs and beams or other combinations of structural units for use in floor and roof construction shall be regulated by the fireresistance ratings of Table 214. The fireresistance rating of the floor and ceiling assemblies shall extend to and be tight against the exterior wall.

903.2 Column, beam and girder protection

903.2.1 Tests without load: To evaluate column, beam and girder protection for structural units when the fireproofing is not a structural part of the element, in lieu of full size tests of loaded specimens, the struc-

tardant treated wood shall be tested in accordance with the standard method of test for surface burning characteristics of building materials (ASTM E84) listed in Appendix G and shall show a flame spread rating not greater than twenty-five (25) when exposed for a period of not less than thirty (30) minutes without evidence of significant progressive combustion. The material shall bear the identification of an accredited authoritative testing or inspection agency showing the performance rating thereof.

903.6.2 Use limitations: Wood that has been pressure-treated with fireretardant chemicals in accordance with the standards for pressure treatment of lumber or plywood in buildings listed in Appendix G or treated by other approved means during manufacture may be used in Types 1 and 2 construction for partitions, structural elements and roof framing and sheathing as indicated by Note h in Table 214, provided that the assembly in which such material is used shall produce the required fireresistance rating when tested in accordance with the standard method of fire test for building construction and materials listed in Appendix G. Where the material is to be subjected to sustained high humidity or exposed to the weather, it shall be further identified to indicate that there is not an increase in listed fire hazard classification after being subjected to the Underwriters' Laboratories (UL) Standard Rain Test. Where used as a structural element, such material shall meet the requirements of Section 903.6.1. Where used as interior finish, such material shall meet the requirements of Section 904.0.

SECTION 904.0 FLAMERESISTANCE TESTS

904.1 General: All materials which are required to restrict the spread of fire or to be flame-resistant under the provisions of this code, including, but not limited to, interior wall and ceiling finish materials (ASTM E84), floor coverings (NFPA 253), fire-retardant treated wood (ASTM E119 or ASTM E84, depending on usage), tents and tarpaulins (NFPA 102, NFPA 701 and 527 CMR 19.00), and interior hangings and decorations (527 CMR 21.00, NFPA 102, NFPA 701, or ASTM E84 depending on material), shall meet the requirements for their respective uses and classifications.

904.2 Interior wall and ceiling finish materials: All materials used for interior wall and ceiling finish shall be classified within the classification listed in Table 904 in accordance with the Method of Test for Surface Burning Characteristics of Building Materials (ASTM E84).

Table 904
INTERIOR FINISH CLASSIFICATION

Class of material	Surface burning characteristics test (tunnel test)
I	0 to 25
II	26 to 75
III	76 to 200

Note: Refer to Table 920 for interior finish requirements by use group.

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905.4 Packing and shipping rooms: Every packing or shipping room located on or below a floor occupied for use group M (mercantile) use shall be separated therefrom by fire separation walls or floor-ceiling assemblies of not less than the fireresistance rating of the type of construction as set forth in Table 214 but not less than one (1) hour fire-resistance rating.

905.5 Truck loading and shipping areas: Truck loading and shipping areas shall be permitted within any use group B (Business) building, provided such areas are enclosed in construction of not less than the fireresistance rating of the type of construction as set forth in Table 214 but not less than one (1) hour, and direct access is provided therefrom to the street.

905.6 Use group R (residential) buildings

905.6.1 Protected ordinary construction: Multi-family dwellings (use group R-2) of protected ordinary (Type 3B) construction may be increased to six (6) stories or seventy-five (75) feet in height when the first floor construction above the basement or cellar has a fireresistance rating of not less than three (3) hours and the floor area is subdivided by two (2) hour fire walls into fire areas of not more than three thousand (3,000) square feet.

905.6.2 Protected noncombustible construction: When of protected non-combustible (Type 2B) construction, multi-family dwellings (use group R-2) may be increased to nine (9) stories or one hundred (100) feet in height when separated by not less than fifty (50) feet from any other building on the lot and from interior lot lines, the exitways are segregated in a fire area enclosed in a fire wall of two (2) hour fireresistance rating and the first floor construction has a fireresistance rating of not less than one and one-half (1 1/2) hours.

905.6.3 Retail business use: The first floor of buildings of unprotected noncombustible (Type 2C), masonry wall (Type 3C) or frame (Type 4B) construction may be occupied for retail store use, provided the floor-ceiling assembly and enclosure wall are protected to afford one (1) hour fireresistance rating and the exitways from the residential floors are separately enclosed in accordance with the requirements of Article 6.

905.7 Grade floor protection

905.7.1 Non-fireproof construction: In all buildings other than one- and two-family dwellings (use groups R-3 and R-4) and other than fireproof (Type 1) construction with habitable or occupiable stories or basements below grade the floor-ceiling assemblies and supports below the grade floor shall be protected by one (1) of the following methods:

1. fireresistance rating of not less than one (1) hour, or

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2. heavy mill (Type 3A) construction, or
3. automatic fire suppression system.

The fireresistance rating provided shall not be less than the rating required by Table 214 for type of construction.

905.7.2 Protected noncombustible construction: In all buildings of protected noncombustible (Type 2A) construction, more than four (4) stories or fifty (50) feet in height, in other than residential (R) use groups, the floor-ceiling assembly above the basement or cellar shall be constructed with a fireresistance rating of not less than two (2) hours.

905.7.3 Basement assembly uses: Places of public assembly for amusement, entertainment, instruction, or service of food or refreshment shall not be located in stories or rooms below grade unless the floor-ceiling assembly above and below is of not less than one and one-half (1 1/2) hour fireresistance rating.

905.8 Noncombustible construction exemptions: One (1) story buildings of Type 2C construction which do not exceed three thousand (3,000) square feet in area in all use groups except high hazard (H), assembly (A) and institutional (I) shall be exempt from all protected exterior wall requirements.

905.9 Interior partitions: In buildings and structures of other than institutional (I) and residential (R) use groups of fireproof (Type 1) and protected noncombustible (Types 2A and 2B) constructions, partitions of a single thickness of wood or approved composite panels, and glass or other approved materials of similar combustible characteristics, may be used to subdivide rooms or spaces into offices, entries, or other similar compartments, provided they do not establish a corridor serving an occupant load of thirty (30) or more in areas occupied by a single tenant and not exceeding five thousand (5,000) square feet between fire separation assemblies or fire walls. An area not exceeding seventy-five hundred (7500) square feet may be subdivided with fireretardant treated wood when complying with Section 903.6.

905.10 Plenums: The use of uninhabited basements, cellars, crawl spaces, cavity walls, areas above ceilings or attic spaces as supply, make up, exhaust air or return air plenums or ducts is prohibited.

Exception: Air-ceiling plenums may be installed as supply or return air plenums in all occupancies except one- and two-family dwellings, provided such air plenums meet the requirements of other applicable articles of this code and of the mechanical code listed in Appendix B and provided fuel-fired equipment or exposed combustible materials are not located therein. The use of air-ceiling plenums shall be confined to one (1) fire area. The floor or roof assembly above an unlisted air-ceiling plenum shall not depend upon the air ceiling for a portion of its fire-

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resistive rating. Insulated cold water, hot water, steam, fire protection and electric lines are allowed in air-ceiling plenums. The use of air-ceiling plenums in evaporative cooling systems is prohibited. Panning of the joist or stud space for return air is permitted in one-and two-family dwellings only. Crawl spaces not used as storage areas in one- and two-family dwellings may be used for air distribution systems.

905.11 Fire dampers: Except when proper fire tests have shown that fire dampers are not necessary to maintain the integrity of the fireresistance rated assembly, fire dampers complying with the SMACNA Fire Damper Guide, listed in Appendix B or UL 555 listed in Appendix G, shall be installed in the following locations:

1. Ducts penetrating a fire wall. (When a fire wall is of three (3) hour or greater fire endurance, a fire door is required.)
2. Ducts passing through a fire separation wall.
3. Ducts penetrating a fireresistance rated shaft wall. Sub-ducts extending twenty-two (22) inches vertically upward may be used in lieu of fire dampers for exhaust ducts.
4. Ducts penetrating the ceiling of a fireresistance rated floor/roof-ceiling assembly.
5. Ducts penetrating fireresistance rated corridor walls, unless the building is completely sprinklered or unless the ducts are part of an engineered smoke removal system.

SECTION 906.0 EXTERIOR WALLS

906.1 General: All exterior walls shall comply with the structural provisions of Articles 7 and 8 and with the fireresistance rating requirements of Table 214.

906.2 Exceptions: The provisions of this code shall not be deemed to prohibit the omission of exterior walls for all or part of a story when required for special uses and occupancies; except that when so omitted, the open areas shall be separated from the rest of the area and from the upper and lower stories of the building by wall and floor construction of the fireresistance rating required in Table 214; and except as otherwise specifically permitted in this code, the piers, columns and other structural supports within the open portion shall be constructed with the fireresistance rating required for exterior bearing walls in Table 214.

906.3 Vertical separation of windows

906.3.1 Where required: In all buildings and structures designed for business (B), factory and industrial (F), high hazard (H), mercantile (M) or storage (S) uses, exceeding three (3) stories or forty (40) feet in height, openings located vertically above one another in exterior walls which are required to have a fireresistance rating of more than one (1) hour shall be separated by apron or spandrel walls not less than three

(3) feet in height extending between the top of any opening and the bottom of the opening next above.

906.3.2 Fireresistance rating: The apron or spandrel walls shall be constructed with the same fireresistance rating required for the exterior wall in which it is located as specified in Table 214; except when such required rating exceeds one (1) hour, approved wire glass construction in fixed noncombustible sash and frames not exceeding one-third (1/3) of the area of such apron or spandrel may be located therein, and except further that in exterior non-bearing enclosure walls which are not required to be of more than one (1) hour fireresistance rating the provisions of this section in respect to apron or spandrel walls shall not apply.

SECTION 907.0 FIRE WALLS AND PARTY WALLS

907.1 General: Walls shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall and shall be constructed of any approved noncombustible materials providing the required strength and fireresistance rating specified in Table 214 for the type of construction, but not less than the fire grading of the use group specified in Table 902. The construction shall comply with all the structural provisions for bearing or non-bearing walls of this code.

907.2 Solid masonry: When constructed of solid masonry, the wall thickness shall be not less than the requirements of Section 866.0.

907.3 Reinforced concrete: When constructed of reinforced concrete, the wall thickness shall be not less than nine (9) inches for the uppermost thirty-five (35) feet or portion thereof measured down from the top of the wall.

907.4 Cutting walls: A wall, eight (8) inches or less in thickness, shall not be cut for chases or socketed for insertion of structural members subsequent to erection (see Section 837.0).

907.5 Hollow masonry and cavity walls: When combustible members frame into hollow walls or walls of hollow units, all hollow spaces shall be solidly filled for the full thickness of the wall and for a distance not less than four (4) inches above, below and between the structural members, with noncombustible materials approved for firestopping in Section 919.0. The wall shall be not less than the minimum thickness specified in the Building Code Requirements for Masonry listed in Appendix B.

907.6 Combustible insulation: The building official may permit the application of cork, fiberboard or other combustible insulation if laid up without intervening air spaces and attached directly to the face of the wall, and protected on the exposed surface as provided in Sections 823.0 and 876.0.

the ceiling is more than three (3) feet above the opening. Fire assemblies protecting openings required to have one and one-half (1 1/2), one (1) or three-fourths (3/4) hour fireresistance rating, and which are not exitway doors, may be activated in a similar manner, or by a single fusible link incorporated in the closing device. Doors opening in a means of egress shall be closed by actuation of a smoke detector conforming to the standards listed in Appendix I.

SECTION 909.0 FIRE SEPARATION WALLS

909.1 Uses

909.1.1 Mixed uses: When a building contains more than one (1) occupancy, and each part of the building is separately classified as to use, the mixed uses shall be completely separated with fire separation walls as specified in Section 213.0.

909.1.2 One- and two-family dwellings: The requirements for the construction of fire separation walls in buildings containing single-family dwellings or two-family dwellings (use group R-3 or R-4) are as follows:

Two-family dwelling, superimposed dwelling units: When one (1) dwelling unit of a two-family dwelling is located wholly or partly above the other dwelling unit, the two (2) dwelling units shall be completely separated by fire separation walls and floor-ceiling assemblies of not less than one (1) hour fireresistance rated construction.

Two-family dwelling, side-by-side dwelling units: When adjacent dwelling units of a two-family dwelling are attached by a common wall, said wall shall be a fire separation wall, having a minimum one (1) hour fireresistance rating that shall serve to completely separate the dwelling units.

Multiple, single-family dwellings; side-by-side: When multiple, single-family dwellings (use group R-3) are attached by a common wall, said wall shall be a fire separation wall, having a minimum one (1) hour fireresistance rating. Said wall shall extend from the foundation to the underside of the roof sheathing, and to the inside of the exterior wall sheathing.

Multiple, two-family dwellings; side-by-side: When multiple, two-family dwellings (use group R-3) are attached by a common wall, said wall shall be a fire separation wall, having a minimum one (1) hour fireresistance rating. Said wall shall extend from the foundation to the underside of the roof sheathing and to the inside of the exterior wall sheathing.

909.1.3 Exitways: Fire separation walls required for the enclosure of exitways and areas of refuge shall be constructed of masonry, reinforced concrete or any other approved noncombustible materials having the minimum fireresistance rating prescribed by Table 214; except that such walls may be constructed of combustible materials as regulated by Sections 616.9 and 909.3.

909.1.4 Other uses: Fire separation walls used for subdividing purposes other than exitways and areas of refuge shall be constructed of the types of materials and have the minimum fireresistance rating as prescribed by Table 214 for the type of construction.

909.2 Openings

909.2.1 Size: Exitway doors located in fire separation walls shall be limited to a maximum aggregate width of twenty-five (25) per cent of the length of the wall and the maximum area of any single opening shall not exceed forty-eight (48) square feet.

909.2.2 Protectives: All opening protectives in fire separation walls shall comply with the provisions of Section 903.0 and shall have the minimum fireresistance rating as set forth in Section 915.0.

909.3 Combustible stair enclosures

909.3.1 Construction: Stair enclosures constructed of approved combustible assemblies protected with component materials to afford the required fireresistance ratings shall be continuous through combustible floor construction and shall provide an unbroken fire barrier in combination with protected floors, ceilings and fire doors, separating the exitways from the unprotected areas of the building. Such enclosures shall be firestopped to comply with Sections 875.9 and 919.0.

909.3.2 Openings for lighting: Openings for the purpose of providing light in such enclosures may be protected with wired glass with single panes not more than three hundred sixty (360) square inches in area and a total area in one (1) story of not more than seven hundred twenty (720) square inches. Such light panels shall comply with the provisions of Section 917.0, and shall be contained in stationary sash and frames of steel or other approved noncombustible materials.

909.4 Continuity: All fire separation walls shall extend from the top of the fireresistance rated floor below to the ceiling above, unless otherwise provided for in this code, and shall be securely attached thereto. Where these walls enclose required exitways, areas of refuge and shafts, or where these walls separate mixed uses, they must be continuous through all concealed spaces such as the space above a suspended ceiling, and they must be constructed tight to the underside of the floor slab or roof deck above. The supporting construction shall be protected to afford the required fireresistance rating of the wall supported. All hollow vertical spaces shall be firestopped at every floor level as required in Sections 875.0 and 919.0.

SECTION 910.0 VERTICAL SHAFTS

910.1 General: The provisions of this section shall apply to all vertical

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910.6.3 Alternate shaft ventilation: The skylight herein required may be replaced by a window of equivalent area in the side of the shaft, provided the sill of such window is not less than two (2) feet above the adjoining roof, is equipped with an automatic vent opening, does not face on an interior lot line or within ten (10) feet thereof, and is not located within twenty (20) feet of an opening in adjacent walls.

910.7 Bottom enclosure: All shafts that do not extend to the bottom of building or structure shall be enclosed at the lowest level with construction of the same strength and fireresistance rating as the lowest floor through which they pass, but not with a fireresistance rating less than that of the shaft enclosure.

910.8 Existing shaftways: In all existing shaftways of buildings of assembly (use group A) and institutional classifications (use group I), which are not already enclosed as herein required, the building official shall direct such construction as he may deem necessary to insure the safety of the occupants, subject to review as provided in Section 126.0.

910.9 Shaft openings: Openings other than necessary for the purpose of the shaftway shall not be constructed in shaft enclosures; and all openings shall be protected with approved fire doors, fire windows or fire shutters complying with the provisions of Sections 914.0, 915.0 and 916.0.

SECTION 911.0 FIRERESISTANCE OF STRUCTURAL MEMBERS

911.1 Requirements: The fireresistance rating of construction assemblies and structural members shall comply with the requirements of Table 214 and Section 903.0.

911.2 Protection of structural members: Columns, girders, trusses, beams, lintels, or other structural members that are required to have a fireresistance rating and that support more than two (2) floors or one (1) floor and roof, or support a bearing wall, or a non-bearing wall more than two (2) stories high, shall be individually protected on all sides for their length or height with materials having the required fireresistance rating. All other structural members required to have a fireresistance rating may be protected by individual encasement, by a membrane or ceiling protection as specified in Section 912.0, or by a combination of both.

911.3 Embedments and enclosures: Pipes, wires, conduits, ducts or other service facilities shall not be embedded in the required fire protective covering of a structural member that is required to be individually encased.

911.4 Impact protection: Where the fire protective covering of a structural member is subject to impact damage from moving vehicles, the han-

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dling of merchandise, or other activity, the fire protective covering shall be protected by corner guards or by a substantial jacket of metal or other noncombustible material, to a height adequate to provide full protection, but not less than five (5) feet from the finished floor.

911.5 Deleted

911.6 Wall beams: Beams and girders which support walls required to have a fireresistance rating shall be protected to afford not less than the fireresistance rating of the wall supported, but the fireresistance rating shall not be less than one (1) hour for members supporting masonry walls.

911.7 Wall lintels: Unless supported or suspended from structural wall girders protected with insulating materials of the required fireresistance rating or when the opening is spanned by a masonry arch of the required strength, all lintels over openings in masonry walls more than eight (8) feet in length shall be protected as required for structural members supporting walls for the type of construction.

911.7.1 Stone lintels: The use of stone lintels on spans exceeding four (4) feet shall not be permitted unless supplemented by fireresistance rated structural members or masonry arches of the required strength to support the superimposed loads.

911.8 First story columns: In buildings of exterior masonry wall (Type 3) construction, required fire protection may be omitted from first story columns supporting enclosure walls located on the street lot line (see Section 217.0).

SECTION 912.0 FIRERESISTANCE RATED FLOOR/ROOF-CEILING ASSEMBLIES

912.1 Installation of ceiling fixtures: Fireresistive ceilings which constitute an integral part of a floor or roof assembly to meet a required fireresistance rating may have openings to accommodate noncombustible piping, ducts or electric outlets. The aggregate area of such openings in the ceiling shall be not greater than one hundred (100) square inches in any one hundred (100) square feet of ceiling area. The fixtures and attachments shall be installed so as not to decrease the fireresistance rating of the assembly. All duct openings shall be protected with approved noncombustible fire dampers.

912.2 Ceiling panels: Where the weight of lay-in ceiling panels, used as a part of fireresistive floor-ceiling or roof-ceiling assemblies, is not adequate to resist an upward force of one (1) pound per square foot (psf), wire or other approved devices shall be installed above the panels to prevent vertical displacement under such upward force.

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912.3 Deleted

912.4 Deleted

912.5 Deleted

912.6 Unusable space: In an assembly required to be of one (1) hour fireresistance rating, the ceiling membrane may be omitted over unusable space or the floor may be omitted where unusable space occurs above.

912.7 Openings in fireresistance rated floors: The required fire resistance rating of floor or floor/ceiling assemblies shall be maintained where a penetration is made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

SECTION 913.0 ROOF CONSTRUCTION

913.1 General: Roof construction shall be protected with noncombustible material or assemblies of noncombustible materials to afford the fireresistance rating required by Table 214 as herein modified.

913.2 Roofs 20 feet or higher: When every part of the structural framework of roofs in Type 1 or Type 2 buildings is twenty (20) feet or more above the floor immediately below, all fire protection of the structural members may be omitted, including the protection of trusses, roof framing and decking. Heavy timber members, in accordance with Section 217.1, may be used for such unprotected members in one (1) story buildings.

Exception: Buildings of H (High Hazard), S-1 (Moderate Hazard Storage) or M (Mercantile) occupancies when of Types 1 or 2A construction shall not have less than one (1) hour fireresistance rated roof construction.

913.3 Roof slabs, arches and decking: Where the omission of fire protection from roof trusses, roof framing and decking is permitted, the horizontal or sloping roofs in Type 1 and Type 2 buildings, immediately above such members, shall be constructed of noncombustible materials of the required strength without a specified fireresistance rating, or of mill type construction in buildings not over five (5) stories or sixty-five (65) feet in height.

913.4 Firestopping: Firestopping of ceiling and attic spaces shall be provided as required by Sections 875.0, 912.0 and 919.0.

SECTION 914.0 EXTERIOR OPENING PROTECTIVES

914.1 Where required: Where specified herein, the exterior openings of all buildings and structures other than churches (use group A-4), residential buildings (use groups R-2, R-3 and R-4), buildings of unprotected noncombustible (Type 2C) construction, and buildings of frame (Type

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dor walls.

2. Where flat roofs with solid joist construction are used, draftstopping over tenant separation walls is not required.
 3. Where the space above a ceiling is of combustible construction and the building is sprinklered with sprinklers above and below the ceiling, the draftstopping may be omitted.
- b. Use groups R-3 and R-4: Draftstopping is not required in the attic space.
 - c. In all other use groups: In attics and concealed roof spaces so that no horizontal area exceeds three thousand (3,000) square feet.

Exceptions:

1. Where flat roofs with solid joist construction are used, draftstopping over tenant separation walls is not required.
2. Where the space above a ceiling is of combustible construction and the building is sprinklered with sprinklers above and below the ceiling, the draftstopping may be omitted.

919.8 Ventilation: Ventilation of concealed roof spaces shall be maintained in accordance with Section 507.0.

919.9 Access to attics: In use groups R-1, R-2, R-3 and R-4, a readily accessible attic access opening not less than twenty-two (22) inches by thirty (30) inches shall be provided from every living unit to any attic area having a clear height of over thirty (30) inches. When doors or other openings are provided in the draftstopping, they shall be of approved materials specified in this section, and the construction shall be tightly fitted around all pipes, ducts or other assemblies piercing the draftstopping.

SECTION 920.0 INTERIOR WALL AND CEILING FINISH, FLOOR COVERINGS AND TRIM

920.1 General: Interior finish and interior trim of buildings shall conform to the requirements of this section. Interior finish shall include all wainscoting and paneling or other finish applied structurally or for acoustical treatment, insulation, decoration or similar purposes. The use of a surface finish of paper or of material of not greater fire hazard than

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paper shall not be prohibited provided such finish does not exceed one twenty-eighth (1/28) of an inch in thickness, and is applied directly to a noncombustible base or substrate meeting the requirements of Section 903.6.2. Show windows in the first story of buildings may be of wood or of unprotected metal framing.

920.2 Exposed construction: These requirements shall not be considered as requiring the installation of interior finish, but where construction or fire protection materials are exposed in rooms or spaces used for the occupancies specified, the hazard from rate of flame spread of such exposed materials shall be not greater than that of the interior finish permitted for such occupancy or use. Exposed portions of structural members complying with the requirements for heavy timber type construction in Sections 217.0 and 853.0 shall not be subject to interior finish regulations.

920.3 Smoke or gases: Interior finish materials shall not be permitted that have a smoke developed factor greater than four hundred fifty (450) when tested in accordance with the Method of Test For Surface Burning Characteristics of Building Materials (ASTM E84) listed in Appendix G. When restrictions are not otherwise established in this code, interior finish is not controlled, except that pyroxlin or similar finishes shall not be applied which, as dry films, produce excessive smoke or toxic fumes when exposed to fire.

920.4 Materials: Material may be used for interior finish and trim only as specifically provided in this code for the occupancy or use of the space in which it is installed. Use of any material for floor finish, interior finish, and trim in a building of Type 1 or Type 2 construction within the scope permitted in this section or Section 922.0 shall not declassify the building with respect to its type of construction.

920.4.1 Foam plastics: Foam plastics shall not be used as interior finish.

920.5 Interior finish: Interior finish of walls and ceilings shall have a flame spread rating not greater than that designated by the class prescribed for the various occupancy groups listed in Table 920 when tested in accordance with the requirements of Section 904.0.

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Table 920
INTERIOR FINISH REQUIREMENTS

Use groups	Required vertical exitways and passageways (d)	Corridors providing exitway access	Rooms or enclosed spaces (a)
A-1 Assembly, theatres			II (b)
A-2 Assembly, night clubs			II (b)
A-3 Assembly, halls, terminals, restaurants			II (b)
A-4 Assembly, churches, schools			III
B Business			III
F Factory and industrial			III
H High hazard			III
I-1 Institutional, restrained			I (c)
I-2 Institutional, incapacitated			I (c)
M Mercantile walls, ceilings			III
R-1 Residential, hotels (g)			III
R-2 Residential, multi-family dwellings			III
R-3 Residential, 1 and 2 family dwellings	III	III	III
S-1 Storage, moderate hazard			III
S-2 Storage, low hazard			III

Note a. Requirements for rooms or enclosed spaces are based upon spaces enclosed in partitions of the building or structure, and where fireresistance rating is required for the structural elements the enclosing partitions shall extend from the floor to the ceiling. Partitions which do not comply with this shall be considered as enclosing spaces and the rooms or spaces on both sides thereof shall be counted as one. In determining the applicable requirements for rooms or enclosed spaces, the specific use or occupancy thereof shall be the governing factor, regardless of the occupancy group classification of the building or structure. When an approved automatic fire suppression system is provided, the interior finish of Class II or III materials may be used in place of Class I or II materials respectively, where required in the table.

Note b. Class III interior finish materials may be used in place of assembly with a capacity of three hundred (300) persons or less.

Note c. Class III interior finish materials may be used in administrative areas. Class II interior finish materials may be used in individual rooms of not over four (4) persons capacity. Provisions in Note a allowing a change in interior finish classes when fire suppression protection is provided shall not apply.

Note d. Class III interior finish materials may be used for wainscoting or paneling for not more than one thousand (1,000) square feet of applied surface area in the grade lobby when applied directly to a non-combustible base or over furring strips applied to a noncombustible base and fire-stopped as required by Section 921.0.

Note e. Class III interior finish materials may be used in mercantile occupancies of three thousand (3,000) square feet or less gross area. Used for sales purposes on the street floor only. (Balcony permitted).

Note f. Carpeting and similar materials having napped, looped or similar surface may be used as interior finish on walls and ceilings only when they are Class I.

e.g. Interior finish in detoxification facilities shall comply with Table 439.11.

920.5.1 Basements: In buildings other than 1- and 2-family residences, Class I or II interior finish shall be used in all basements or other underground spaces from which there is not direct exit to the outside of the building if subject to occupancy for any purpose other than storage or service facilities.

920.5.2 Maximum flame spread: Interior finish materials with flame spread classifications in excess of two hundred (200) shall not be used in any room or space subject to human occupancy, except to such extent as may be specifically permitted by the building official on the basis of a finding that such use does not significantly increase the life hazard.

920.6 Interior trim: Baseboards, chair-rails, mouldings, trim around openings and other interior trim, not in excess of ten (10) per cent of the aggregate wall and ceiling areas of any room or space, may be of Class I, II or III materials, except that trim around fire windows and fire doors shall comply with the requirements of Section 915.0 and Section 916.0.

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920.7 Floor covering

920.7.1 Acceptance without tests: All wood, ceramic, concrete flooring and one-quarter (1/4) inch maximum thickness of resilient composition flooring shall be exempt from the requirements of this section unless the building official determines the floor surface is hazardous.

920.7.2 Test acceptance criteria: Carpet type floor coverings, used in corridors and exitways in use groups A-1, A-2, I-1 and I-2 shall withstand a test exposure of zero point forty-five (0.45) watts per square centimeter when tested in accordance with Section 904.3. Carpet type floor coverings, used in corridors and exitways in all other than the above use groups, and excepting R-3 and R-4 use groups, shall satisfactorily withstand a test exposure of zero point twenty-two (0.22) watts per square centimeter when tested in accordance with Section 904.3. Where a complete standard system of automatic sprinklers is installed, carpet type floor coverings used in corridors and exitways of use groups A-1, A-2, I-1 and I-2 shall satisfactorily withstand a test exposure of zero point twenty-two (0.22) watts per square centimeter.

Exception: Carpeting in R-1 detoxification facilities shall comply with Table

Whenever the building official determines that the use of a particular floor finish in a particular use group constitutes a fire hazard, the building official shall request other fire test data which is applicable to floor coverings.

SECTION 921.0 APPLICATION OF INTERIOR FINISH

921.1 Attachment: Where interior finish is regulated by the requirements of this code, interior finish materials shall be applied or otherwise fastened in such a manner that they will not readily become detached when subjected to room temperatures of two hundred (200) degrees F. or less for thirty (30) minutes, or otherwise become loose through changes in the setting medium from the effects of time or conditions of occupancy.

921.2 Application to structural elements: Interior finish materials applied to walls, ceilings, or structural elements of a building or structure which are required to be fireresistance rated or to be constructed of noncombustible component materials, shall be applied directly against the exposed surface of such structural elements, or to furring strips attached to such surfaces with all concealed spaces created thereby firestopped where in excess of ten (10) square feet in area or eight (8) feet in any dimension.

921.3 Furred construction: Where walls, ceilings or other structural elements are required to be fireresistance rated or to be constructed of noncombustible component materials and interior finish is set out or dropped distances greater than one and three-quarter (1 3/4) inches from the surface of such elements, only material of which both faces qualify as Class I shall be used, unless the finish material is protected on both sides by an automatic fire suppression system (see Note a to Table 920)

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1201.3 Standpipe fire lines: Plans for the standpipe installation shall show the size and location of siamese connections, tanks, pumps, hose stations, length of hose, stairways, stair sections and all subdividing partitions and walls.

1201.4 Sprinkler systems: Plans for the sprinkler installation shall show the location, capacity of water supply, connecting piping, feed lines and risers, all gate, check, alarm and dry pipe valves, location and number of all heads, locations and number of all actuating devices, and standpipe fire lines, if any.

1201.5 Interior fire alarms: Plans for the interior fire alarm signal system shall show location and number of all sending stations and signals with specifications of the type, construction, and operation of the system.

1201.6 Approved plans: After acceptance of the preliminary plans, three (3) final sets of plans shall be filed for final approval of every installation of standpipe fire line, sprinkler and fire alarm signal system.

SECTION 1202.0 FIRE SUPPRESSION SYSTEMS

1202.1 Where required: Fire suppression systems shall be installed and maintained in full operating condition, as specified in this code, in the following locations, except one- and two-family dwellings, indicated in Sections 1202.2 through 1202.18.

Exception: Requirements for R-1 detoxification facilities are contained in Section 439.0.

1202.2 Assembly (A-1) use: In all buildings or portions thereof of A-1 (assembly, theatres) use group.

Exception: Auditoriums, foyers, lobbies and toilet rooms.

1202.3 Assembly (A-2) use: In all buildings or structures or portions thereof of use group A-2 (assembly, night clubs):

1. when more than five thousand (5,000) square feet in area; or
2. when more than one (1) story in height.

1202.4 Assembly (A-3) use: In all buildings or structures or portions thereof of use group A-3 (assembly) when more than twelve thousand (12,000) square feet in area.

1202.5 Stages in assembly (A) use: Stages of any size, in assembly occupancies (A) in the following locations:

1. over the stage;
2. stage gridirons when side wall sprinklers with one hundred thirty-five (135) degrees F. rated heads with heat-baffle plates are installed around the entire perimeter of the stage at points not more than thirty (30) inches below the gridiron, nor more than six (6) inches below the baffle plate;
3. under all fly galleries;

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4. over the proscenium opening on the stage side;
5. under the stage;
6. in all basements, cellars, work rooms, dressing rooms, store rooms, and property rooms; and
7. in toilet, lounge and smoking rooms.

1202.6 High hazard (H) use: In all buildings or structures or portions thereof of use group H (high hazard).

1202.7 Institutional (I) use: In all buildings or structures or portions thereof of use group I (institutional).

Exceptions:

1. One-story hospitals with patient rooms having direct egress to grade level at the exterior of the building.
2. In hospitals of Type I construction, the automatic fire suppression system may be omitted from operating rooms, X-ray rooms, delivery rooms, cardiac and intensive care rooms and patient sleeping rooms not exceeding six hundred (600) square feet in area when such room is protected by an automatic fire alarm system connected to a central annunciator panel.
3. One-story day nurseries housing one hundred (100) children or less with each room having an exit directly to the outside.
4. I-1 (institutional-restrained) occupancies having an occupancy load of less than six (6).
5. In I-1 (institutional-restrained) occupancies the fire suppression system shall be a sprinkler system which may be manual or automatic in operation.

1202.8 Mercantile (M), moderate hazard storage (S-1), or factory and industrial (F) uses: In all buildings or structures of use groups M, S-1, and F (mercantile, moderate hazard storage or factory and industrial):

1. when more than twelve thousand (12,000) square feet in area; or
2. when more than twenty-four thousand (24,000) square feet in total area on all floors; or
3. when more than three (3) stories in height).

1202.9 Public garages: In all public garages:

1. when more than ten thousand (10,000) square feet in area; or
2. when more than seven thousand five hundred (7,500) square feet in area and more than one (1) story in height; or
3. when more than five thousand (5,000) square feet in area, and more than two (2) stories in height; or
4. when more than three (3) stories in height; or
5. when located in buildings where the upper stories are designed for other uses; or
6. When located in any story that is more than fifty (50) per cent below grade.

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1201.3 Standpipe fire lines: Plans for the standpipe installation shall show the size and location of siamese connections, tanks, pumps, hose stations, length of hose, stairways, stair sections and all subdividing partitions and walls.

1201.4 Sprinkler systems: Plans for the sprinkler installation shall show the location, capacity of water supply, connecting piping, feed lines and risers, all gate, check, alarm and dry pipe valves, location and number of all heads, locations and number of all actuating devices, and standpipe fire lines, if any.

1201.5 Interior fire alarms: Plans for the interior fire alarm signal system shall show location and number of all sending stations and signals with specifications of the type, construction, and operation of the system.

1201.6 Approved plans: After acceptance of the preliminary plans, three (3) final sets of plans shall be filed for final approval of every installation of standpipe fire line, sprinkler and fire alarm signal system.

SECTION 1202.0 FIRE SUPPRESSION SYSTEMS

1202.1 Where required: Fire suppression systems shall be installed and maintained in full operating condition, as specified in this code, in the following locations, except one- and two-family dwellings, indicated in Sections 1202.2 through 1202.18.

Exception: Requirements for R-1 detoxification facilities are contained in Section 439.0.

1202.2 Assembly (A-1) use: In all buildings or portions thereof of A-1 (assembly, theatres) use group.

Exception: Auditoriums, foyers, lobbies and toilet rooms.

1202.3 Assembly (A-2) use: In all buildings or structures or portions thereof of use group A-2 (assembly, night clubs):

1. when more than five thousand (5,000) square feet in area; or
2. when more than one (1) story in height.

1202.4 Assembly (A-3) use: In all buildings or structures or portions thereof of use group A-3 (assembly) when more than twelve thousand (12,000) square feet in area.

1202.5 Stages in assembly (A) use: Stages of any size, in assembly occupancies (A) in the following locations:

1. over the stage;
2. stage gridirons when side wall sprinklers with one hundred thirty-five (135) degrees F. rated heads with heat-baffle plates are installed around the entire perimeter of the stage at points not more than thirty (30) inches below the gridiron, nor more than six (6) inches below the baffle plate;
3. under all fly galleries;

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4. over the proscenium opening on the stage side;
5. under the stage;
6. in all basements, cellars, work rooms, dressing rooms, store rooms, and property rooms; and
7. in toilet, lounge and smoking rooms.

1202.6 High hazard (H) use: In all buildings or structures or portions thereof of use group H (high hazard).

1202.7 Institutional (I) use: In all buildings or structures or portions thereof of use group I (institutional).

Exceptions:

1. One-story hospitals with patient rooms having direct egress to grade level at the exterior of the building.
2. In hospitals of Type I construction, the automatic fire suppression system may be omitted from operating rooms, X-ray rooms, delivery rooms, cardiac and intensive care rooms and patient sleeping rooms not exceeding six hundred (600) square feet in area when such room is protected by an automatic fire alarm system connected to a central annunciator panel.
3. One-story day nurseries housing one hundred (100) children or less with each room having an exit directly to the outside.
4. I-1 (institutional-restrained) occupancies having an occupancy load of less than six (6).
5. In I-1 (institutional-restrained) occupancies the fire suppression system shall be a sprinkler system which may be manual or automatic in operation.

1202.8 Mercantile (M), moderate hazard storage (S-1), or factory and industrial (F) uses: In all buildings or structures of use groups M, S-1, and F (mercantile, moderate hazard storage or factory and industrial):

1. when more than twelve thousand (12,000) square feet in area; or
2. when more than twenty-four thousand (24,000) square feet in total area on all floors; or
3. when more than three (3) stories in height).

1202.9 Public garages: In all public garages:

1. when more than ten thousand (10,000) square feet in area; or
2. when more than seven thousand five hundred (7,500) square feet in area and more than one (1) story in height; or
3. when more than five thousand (5,000) square feet in area, and more than two (2) stories in height; or
4. when more than three (3) stories in height; or
5. when located in buildings where the upper stories are designed for other uses; or
6. When located in any story that is more than fifty (50) per cent below grade.

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ARTICLE 17

PLUMBING AND GASFITTING

Chapter 142, Section 13 of the Massachusetts General Laws Annotated, as amended, provides that all construction, alteration, repair and inspection of plumbing and gasfitting shall be in conformance with the Massachusetts State Plumbing Code (248 CMR 2.00) and the Massachusetts Fuel Gas Code (248 CMR 3.00 through 8.00) promulgated by the Commonwealth of Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

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2.10: continued

2. Laundromats (Commercial). The minimum size of trap and standpipe for commercial type automatic clothes washing machines shall be not less than two (2) inches in diameter, that shall connect to a drain of sufficient size to receive the simultaneous discharge of at least 75% of all machines connected thereto.
3. Commercial and Institutional. The drainage facilities to be provided for commercial and/or institutional laundries shall be approved by the Board.

(14) Multiple Type Lavatory (Wash Sink). Each twenty (20) inch unit of usable length or circumference of a straight-line or circular multiple use lavatory shall be considered equivalent to one lavatory as it affects the drainage and water supply piping sizes and fixture usage requirements; provided hot and cold or tempered water for handwashing is available for each twenty (20) inch interval.

(15) Garbage Can Washers. Garbage can washers shall be separately trapped. The receptacle receiving the wash from garbage cans shall be provided with a removable basket or strainer to prevent discharge of large particles into the building drainage system. Any water supply connection shall be protected against backflow by an air gap or an approved backflow prevention device.

(16) Special Fixtures and Specialties. Water Connections. Baptisteries, ornamental and lily pools, aquaria, ornamental fountain basins and similar constructions, when provided with water supplies, shall be protected from back siphonage.

(17) Sacrairums. The waste material from a Sacrairum shall be conducted separately and directly to a drywell in the ground, which shall not be used for any other purpose. In no case shall the waste from a Sacrairum be connected to the building storm, or sanitary waste and vent system. The waste from a Sacrairum shall not be trapped or vented.

(18) Minimum Facilities for Dwellings. Whenever plumbing fixtures are installed, the minimum number of each type of fixture shall comply with the requirements of the State Sanitary Code, Article II, Minimum Standard of Fitness for Human Habitation, 105 CMR 410.00, and shall conform with 248 CMR 2.01(7).

(19) Minimum Facilities for Building Occupancy Other Than Residential.

- (a) Assembly Occupancy (Other than schools, colleges and churches.).
 1. Definition of Place of Assembly. Any building designed, constructed, reconstructed, remodeled, altered, used, or intended to be used, for twenty or more persons to assemble therein for any of the following: Dance halls; cabarets; restaurants; including the type of restaurant commonly known as a night club; all places in which alcoholic beverages are sold, or offered for sale, to be consumed on the premises; any room or space used for public or private banquets, feasts, dances, socials, card parties, weddings or religious services except in the case of funerals in private homes; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, pool, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; recreation rooms; broadcasting studios; school and college auditoriums, and all other places of similar occupancy. Nothing in this paragraph shall apply to single or multiple family dwellings, or to a place of incarceration or detention, a convent, a monastery, a church, a synagogue, (or other place of worship), or a schoolhouse.
 2. Number of Fixtures Required. The total number of plumbing fixtures required for Buildings classified under 248 CMR 2.10(19)(a) shall be as specified in Table 1 in 248 CMR 2.10.

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TABLE 1
PLUMBING FIXTURES FOR ASSEMBLY OCCUPANCY⁽¹⁾

Occupancy Load	Minimum Number of Waterclosets	Minimum Number of Lavatories
20 - 50	1	1
51 - 99	2	2
100 - 149	3	3
150 - 200	4	4
201 - 300	5	5
301 - 400	6	6
401 - 1000	7	7
1001 - 1500	8	8
1501 - 2000	9	9
More than 2000	1 per 200	1 per 400

Note: (1) Plumbing fixtures for employees to be included in above table.
 (2) When occupancy load is less than 20, refer to Table 5 in 248 CMR 2.10 for employees requirement.
 (3) If occupancy is less than 20, there shall be a minimum of one water closet and one lavatory for each sex, to accomodate employees.

3. Credit for Urinals. The number of urinals for men shall be not less than one-third (1/3) of the number of required waterclosets. When provision is made for more than fifty (50) males, a credit of one (1) watercloset will be allowed for each urinal provided.

(b) Churches (And other places of worship). In church buildings, not less than one (1) watercloset shall be provided for each three hundred (300) occupants of each sex; and not less than one (1) lavatory for every two (2) waterclosets provided. In no case shall there be less than one (1) watercloset and one (1) lavatory provided for each sex.

(c) School Occupancy. In a school occupancy, plumbing fixtures shall be provided in accordance with Table 2 in 248 CMR 2.10. Additional lavatories installed in classrooms shall not affect the ratio of lavatories required for general toilet rooms.

(d) Industrial Establishments, Factories, Warehouses, Foundries and Similar Establishments. In every industrial establishment, all toilet room facilities, including the number and type of plumbing fixtures, the floors, walls, windows, ceilings, lighting, ventilation, doors, partitions, design and location of all toilet rooms shall comply with the Rules and Regulations for Toilets in Industrial Establishments as adopted by the Department of Labor and Industries.

1. Separate Facilities. Where persons of both sexes are employed together, separate toilet rooms shall be provided for each sex, and shall be plainly so designated. If a store or similar establishment is less than 500 square feet, only one toilet room shall be required for use by both sexes.

2. Number of Waterclosets and Lavatories Required. The number of shall be provided within reasonable access and in accordance with Table 2 in 248 CMR 2.10.

3. Number of Urinals Required. Where more than ten (10) males are employed urinals shall be provided in the ratio of one (1) urinal to every forty (40) males, based upon the maximum number of persons employed at any one time.

4. Number of Lavatories Required. The number of lavatories, washbowls or sinks shall not be less than one (1) to every thirty (30) persons, based upon the maximum number of persons entitled to use same at any one time. Twenty (20) inches of sink will be considered as an equivalent of one lavatory.

In special industries or departments where there is undue exposure to poisonous substances or liquids or where the work is especially dirty, one (1) lavatory or sink may be required for every five (5) persons, and in all cases a potable supply of hot and cold water shall be provided.

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TABLE 2
PLUMBING FIXTURES REQUIRED FOR SCHOOLS

	Girls' Water Closets	Boys' Water Closets	Boys Urinals
Elementary	1 per 30 students	Elementary	1 per 30 students
Secondary	1 per 45 students	Secondary	1 per 30 students
Post Secondary	1 per 90 students	Post Secondary	1 per 30 students
Lavatories shall be provided at the ratio of one (1) per sixty (60) students, and each toilet room shall have at least one lavatory. Toilet rooms shall have lavatories at the ratio of one (1) per two (2) water closets and four (4) urinals and each toilet room shall have at least one lavatory, except for kindergarten and primary rooms where the lavatory may be installed in the classroom.			
Drinking Fountain One (1) drinking fountain per 75 students.			
Auditoriums and Multi-Purpose Rooms --- When auditoriums and multi-purpose rooms will have community use, additional toilet facilities shall be provided as follows:			
For Women:	1 water closet for each 300 seats or majority fraction thereof.		
For Men:	1 Urinal for each 150 seats and 1 water closet for each 600 seats or majority fraction thereof.		
Teachers and Employees --- Facilities for teachers and employees shall be in addition to the above.			
Kitchen Employees --- Separate facilities shall be provided to comply with 249 CMR 216 (e)(1)			
Kindergartens ---	1 water closet per 20 children 1 lavatory per 20 children		

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2.10: continued

TABLE 3

PLUMBING FIXTURES REQUIRED IN DORMITORIES

1. One (1) toilet for each eight (8) occupants or portion thereof. For males, urinals may be substituted for one half the number of toilets required on the basis of one (1) urinal substituted for one (1) toilet.
2. One (1) wash basin for each eight (8) occupants or portion thereof.
3. One (1) shower or bathtub for each eight (8) occupants or portion thereof.
4. In a room with more than one (1) toilet, each toilet shall be separated by walls or partitions which afford privacy.
5. Toilet, shower and handwash facilities shall be accessible from within the building and shall be so placed as to not require passing through any part of another dwelling unit or rooming unit.
6. One (1) laundry tray for each fifty (50) persons.
7. One (1) slop sink for each one hundred (100) persons.
8. One (1) drinking fountain for each seventy-five (75) persons.

TABLE 3A

PLUMBING FIXTURES REQUIRED IN DETENTION FACILITIES

1. A toilet and handwash sink in each cell in which a person is locked for any part of a twenty-four (24) hour day.
2. The sink shall be connected to the hot and cold water systems.
3. Where individual facilities are not required by number one above, there shall be one (1) toilet and one (1) handwash sink for each six (6) inmates. Urinals may be substituted for one third (1/3) of the required male toilets.
4. There shall be one (1) shower or bathtub for each six (6) inmates.

(e) Plumbing Fixtures Required. In every establishment other than industrial establishments, where people are employed, there shall be separate bathrooms for each sex in each establishment and shall be plainly so designated. Such bathrooms shall be installed within the premises of the establishment. Unisex toilet rooms are prohibited except as stated under 248 CMR 2.10(19)(f).

TABLE 4

PLUMBING FIXTURES REQUIRED
FOR NON-INDUSTRIAL ESTABLISHMENTS WHERE PERSONS ARE EMPLOYED
(EXCEPT PLACES OF ASSEMBLY)

Persons of Each Sex	Minimum Number of Water Closets*	Minimum Number of Lavatories
1 - 15	1	1
16 - 35	2	2
36 - 55	3	2
56 - 80	4	3
81 - 110	5	3
111 - 150	6	4
More than 200	One (1) per 40 additional persons.	

* Note: Where urinals are provided for men and women, one (1) water closet less than the number specified may be provided for each urinal installed, except that the number of water closets in such a case shall not be reduced to less than two-thirds (2/3) of the minimum specified.

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ARTICLE 22

REPAIR, ALTERATION, ADDITION, AND
CHANGE OF USE OF EXISTING BUILDINGS

SECTION 2200.0 SCOPE

2200.1 General: The provisions of this article are intended to maintain or increase public safety, health, and general welfare in existing buildings by permitting repair, alteration, addition, and/or change of use without requiring full compliance with the code for new construction except where otherwise specified in this article.

2200.2 Compliance: Repairs, alterations, additions, and changes of use shall conform to the requirements of this article. Where compliance with the provisions of this code for new construction, required by this article, is impractical because of structural or construction difficulties or regulatory conflicts, compliance alternatives as described in Section 2206.0 may be accepted by the building official.

Note: Specialized codes, rules, regulations, and laws pertaining to repair, alteration, addition, or change of use of existing buildings promulgated by various authorized agencies may impact upon the provisions of this article. Specialized state codes, rules, regulations, and laws include, but are not limited to those listed in Appendix P.

2200.3 Applicability: The provisions of this article apply to repair, alteration and/or addition to existing buildings which qualify to use this article (see Section 2200.3.1), based on the proposed continuation of or change in use group, as follows:

1. Continuation of the same use group, or a change in use group to a use group of an equal or lesser hazard index number (as listed in Table 2204) shall comply with Section 2203.0.
2. Change in use group to a use group of one (1) or greater hazard index number (as listed in Table 2204) shall comply with Section 2204.0.
3. Change in use group to a use group of two (2) or greater hazard index numbers (as listed in Table 2204) shall comply with the requirements of Section 2205.0 and the code for new construction.
4. Part change in use: If a portion of the building is changed to a new use group, and that portion is separated from the remainder of the building with vertical and horizontal fire separation assemblies complying with the fire grading required in Table 902, or with approved compliance alternatives, then the portion changed shall be made to conform to the provisions of this article.

If a portion of the building is changed to a new use group, and that portion is not separated from the remainder of the building with vertical and horizontal fire separation assemblies complying with the fire grading required in Table 902, or with approved compliance alternatives, then the provisions of this article applying

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to each use shall apply to the entire building. If there are conflicting provisions, then those requirements which secure the greater public safety shall apply.

5. Additions: Additions to existing buildings shall comply with all code requirements for new construction. The combined height and area of the existing building and new addition shall not exceed that allowed by Table 305 and Sections 305.0 and 306.0. Where a fire wall complying with Section 907.0 is provided, the addition may be considered as a separate building.

Exception: One story vertical additions to a dwelling unit shall be permitted providing that the floor area of the addition does not exceed that of the floor area immediately below. Such additions shall be of the same or better type of construction as the existing building.

No addition shall impose loads which would cause the existing building to be subject to stresses exceeding those permitted by the code for new construction.

6. Ordinary repairs: Ordinary repairs conforming to Section 102.0 may be performed without a building permit.
7. Institutional use groups: When there is no change in occupancy within the institutional use group (I), the provisions of Section 2203.0 shall apply.

Any change to an institutional use group (I) or any change in occupancy within an institutional use group shall comply with the requirements of the code for new construction.

8. Places of assembly: Nothing contained herein shall prohibit the alteration of a building heretofore occupied as a place of assembly for such continued use, provided that the seats, aisles, passageways, balconies, stages, appurtenant rooms, and all special permanent equipment comply with the provisions of Sections 417.0 and 418.0.

All buildings changed to an assembly use group (A) or changed within the assembly use groups shall comply with the requirements of Section 417.0 and 418.0 and the applicable provisions of this article.

9. Historic buildings: Buildings which qualify as historic under Section 436.0 need only meet the provisions set forth in that section. The provisions of this article shall apply to historic buildings only when specifically cited in Section 436.0.

2200.3.1 Buildings which qualify: The provisions of this article shall apply to existing buildings which have been legally occupied and/or used for a period of at least five (5) years. No building for which there exists an outstanding notice of violation or other order of the building official shall qualify to use this article unless such proposed work includes correction of all outstanding violations and compliance with all outstanding orders of the building official. Structures which fail to qualify for use of the provisions of this article shall comply fully with the code for new construction.

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2202.5 Documentation of compliance alternatives: Whenever action is taken on any building permit application to repair, make alterations or additions or change the use or occupancy of an existing building, and when said application proposes the use of compliance alternatives, the building official shall ensure that one (1) copy of the proposed compliance alternatives, including applicable plans, test data, or other data for evaluation, be submitted to the Commission, along with a copy of the building permit application and the building official's decision regarding the proposed compliance alternatives.

SECTION 2203.0 REQUIREMENTS FOR CONTINUATION OF THE SAME USE GROUP OR CHANGE TO A USE GROUP OF EQUAL OR LESSER HAZARD INDEX

2203.1 General: The requirements of this section shall apply to all repairs and alterations to existing buildings having a continuation of the same use group or to existing buildings changed in use group to an equal or lesser hazard index number (Table 2204).

2203.2 Requirements exceeding those required for new construction: Existing buildings which, in part or as a whole, exceed the requirements of this code may, in the course of compliance with this article, reduce or remove, in part or completely, features not required by this code for new construction.

2203.3 New systems: Any new building system or portion thereof shall conform to this code for new construction to the fullest extent practical. However, individual components of an existing building system may be repaired or replaced without requiring that system to comply fully with the code for new construction.

2203.4 Alterations and repairs: Alterations or repairs to existing buildings which maintain or improve the performance of the building may be made with the same or like materials. Full compliance to the provisions of Section 2203.0 is not required unless there is a change in use.

2203.5 Floor loads: All floors shall be specifically investigated to determine the adequacy of the existing floor system to support the proposed specific floor loads, which shall not be less than those provided in Article 7 for the proposed use group. However, the loads specified in Article 7 may be reduced by a registered professional engineer based on the specific occupancy loads to be encountered, provided such reduction is approved by the building official.

2203.6 Structural loads: Any portion of the existing building which will not safely support the loads of the proposed use group as specified in Article 7 or Section 2203.5 shall be replaced or strengthened to provide such support.

2203.7 Number of exits: Any existing building shall provide at least two (2) means of egress serving every story which are acceptable to the building official.

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Exception: One- and two-family dwellings and buildings as modified in Sections 417.0, 418.0 (places of assembly), or 609.3 (two-story business buildings).

2203.8 Capacity of exits: All required means of egress shall comply with Section 608.0. Existing means of egress may be used to contribute to the total egress capacity requirement based on the unit egress widths of Section 608.0.

2203.9 Exit signs and lights: Exit signs and lighting shall be provided in accordance with Section 623.0.

2203.10 Means of egress lighting: Means of egress lighting shall be provided in accordance with Section 624.0.

2203.11 Fire alarm systems: Fire alarm systems shall be provided in accordance with Sections 1216.0 and 1217.0.

2203.12 Enclosure of stairways: Open stairways are prohibited except in one- and two-family dwellings or unless otherwise permitted by Article 6. There shall be no minimum fireresistance rating required for an existing enclosure of a stairway. Partitions or other new construction which is added in order to fully and solidly enclose a stairway shall provide a minimum fireresistance rating of one (1) hour. All doors in the enclosure shall be self-closing and tight-fitting with approved hardware. All doors in those portions of the stairway which are fireresistance rated shall comply to the applicable portions of Article 9.

2203.13 Places of assembly: Nothing herein contained shall prohibit the alteration of a building heretofore occupied as a place of public assembly for such continued use provided the seats, aisles, passageways, balconies, stages, appurtenant rooms, and all special permanent equipment comply with the requirements of Sections 417.0 and 418.0.

All buildings changed to an assembly use group (A) or changed within the assembly use groups shall comply with the requirements of Sections 417.0 and 418.0 and the applicable provisions of this article.

2203.14 Fire hazard to adjacent buildings: Any proposed change to the occupancy of an existing building shall not increase the fire hazard to adjacent buildings. If the fire hazard to adjacent buildings is substantially increased, then the requirements of Table 214 for exterior walls shall apply.

2203.15 Increase in the number of dwelling units: In buildings classified in residential use groups (R), the number of dwelling units may be increased up to fifteen (15) per cent without full compliance to the provisions of Section 2203.9 through 2203.11 inclusive. If an increase of greater than fifteen (15) per cent in the number of dwelling units is involved, the building shall comply with the requirements of Section

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2203.0. For the purposes of this section only, the base number of dwelling units, which shall be used to calculate percentages of all increases in numbers of dwelling units, shall be that number of dwelling units legally occupied on June 1, 1979.

Exception: Buildings classified in residential use groups (R) containing less than seven (7) dwelling units may be altered to add one (1) dwelling unit without requiring full compliance with the provisions of Section 2203.0.

2203.16 Institutional uses: When there is no change in use or occupancy within the institutional use group (I), the provisions of Section 2203.0 shall apply.

Any change to an institutional use group (I) or any change within an institutional use group shall comply with the requirements of the code for new construction.

SECTION 2204.0 REQUIREMENTS FOR CHANGE IN USE GROUP
TO ONE HAZARD INDEX GREATER

2204.1 General: When the existing use group is changed to a new use group of one (1) hazard index higher (as provided in Table 2204), the existing building shall conform to the requirements of the code for new construction, except as further provided in this section.

2204.2 Mixed use: Compliance is required with Section 213.0 and Table 902 except that floors and walls providing horizontal and vertical separation in buildings of Types 3 and 4 construction shall have a fire-resistance rating of not less than one (1) hour and shall be equipped with a fire suppression system.

2204.3 Restrictions within fire limits: No further compliance is required with Section 302.0. However, if the fire hazard to adjacent buildings is substantially increased due to an increased fire loading, then the requirements of Section 302.0 shall apply.

2204.4 Area and height limitations: No further compliance is required with Sections 305.2 and 305.3 (e.g., a change in use is allowed in an existing building even if it exceeds the area and height limits of Table 305).

2204.5 Accessibility for physically handicapped: No further compliance is required with Section 315.1.

2204.6 Exitway stairs: Compliance is required with Section 616.0, except that existing exitway stairways may be used as part of the required egress for the new use, provided that the width is of sufficient capacity for the occupancy load, they are structurally sound, and that the enclosures in buildings of Types 3 and 4 construction shall have a fireresis-

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tance rating of not less than one (1) hour. Stairway enclosures in buildings of Type 1 and 2 construction shall have a fire resistance rating of not less than two (2) hours. Where stair exitway doors are doors to an apartment or office they need not swing onto the landing. Such doors shall be self-closing and tight-fitting with approved hardware.

2204.7 Earthquake resistance and liquefaction: No further compliance to Sections 716.0 and 720.0 is required. Structural alterations may be made to existing buildings, but the resistance to lateral forces shall not be less than before such alterations were made, unless the building as altered meets the requirements of this code for earthquake loads.

2204.8 Mortar: No further compliance is required with Section 815.0.

2204.9 Fire and party walls: No further compliance is required with Section 907.0. The height above the roof of existing fire, party and exterior walls need not comply with this section.

Table 2204
HAZARD INDEX

Scale: 1-8 (1 is lowest, 8 is highest hazard)

Use Group*	Description	Index No.**
A-1-A	Theatre with stage	6
A-1-B	Theatre without stage	5
A-2	Night club	7
A-3	Restaurant	5
	Lecture halls, recreation centers, museums, libraries, similar assembly buildings	4
A-4	Churches and schools	4
B	Business	2
F	Factory and industrial	3
H	High hazard	8
I-1	Institutional restrained	5
I-2	Institutional incapacitated	4
M	Mercantile	3
R-1	Hotels, motels	2
R-2	Multi-family	2
R-3	One and two family	2
S-1	Storage, moderate hazard	3
S-2	Storage, low hazard	1

SEE TABLE T-1
FOR ELABORATION

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Notes to Table 2204:

*See Section 203.0 thru 212.0 and Appendix T.

**Hazard Index Modifier for selected construction types.

When a building is classified in Construction Type 1A, 1B, 2A, or 2B, subtract one (1) from the Hazard Index number shown in Table 2204 for the applicable proposed new use group only.

When a building is classified in construction Type 3C or 4B, add one (1) to the Hazard Index number shown in Table 2204 for the applicable proposed new use group only.

SECTION 2205.0 REQUIREMENT FOR CHANGE IN USE GROUP
TO TWO OR MORE HAZARD INDICES GREATER

2205.1 General: When the existing use group is changed to a new use group of two (2) or more hazard indices higher (as provided in Table 2204), the existing building shall conform to the requirements of the code for new construction.

SECTION 2206.0 COMPLIANCE ALTERNATIVES

2206.1 General: Where compliance with the provisions of the code for new construction, required by this article, is impractical because of structural or construction difficulties or regulatory conflicts, compliance alternatives may be accepted by the building official.

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Table T-1 (cont'd.)
HAZARD INDEX AND USE GROUP CLASSIFICATION

Use of structure	Hazard index number	Use group
Cemeteries		
Crematory in cemetery	3	F
Mausoleum, crypt, columbarium	1	S-2
Mortuary chapel in cemetery	4	A-4
Ceramic products manufacture		
Including pottery, small glazed tile, & similar items	3	F
Charcoal, fuel, briquettes, or lampblack manufacture	8	H
Chemicals		
Packaging	8 or 3	H or F depending on nature of materials involved
Manufacture	8 or 3	H or F depending on nature of materials involved
Churches or other places of worship	4	A-4
Circuses, temporary	4	A-3
Cleaning (see Drycleaning & dying; Laundries, Automobiles, washing)		
Clothing		
Manufacturing	8 or 3	H or F depending on nature of materials involved
Rental Establishment	3	M
Retail sales	3	M
Tailoring, custom manufacture or repair (see also Feathers; Felt; Fur; Leather)	3	M
Clubs		
Private	4	A-3 without residence
Nightclubs (see Eating & drinking establishments)		
Coal, coke or tar products, manufacture	8	H
Colleges & universities		
Classroom buildings	4	A-4
Dormitories	2	R-1
Fraternities or sororities	2	R-1
Community centers	4 or 2	A-3 or B
Convalescent homes (see Nursing homes)		
Convents	2	R-1
Cosmetics or toiletries manufacture	8	H
Cotton ginning	8	H
Cotton wadding or linters manufacture	8	H
Courthouses	2 or 4	B or A-3
Crematoriums		
Animal	3	F
Human	3	F
Dance halls	7	A-2
Day care agencies	4	I-2 or A-4
Day nurseries	4	I-2
Dental offices (see Medical & dental)		
Department stores	3	M

PYI FRM
R.B.

L.S.
K.S.
L.M.

RULES AND REGULATIONS OF THE ARCHITECTURAL BARRIERS BOARD



THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY

3 BUILDINGS UNDER JURISDICTION

- { 3.1 All construction, reconstruction, alteration, remodeling and changes of use of public buildings or other facilities open to the public shall conform to these Regulations.
- 3.2 The performance of any work which is governed by Section 21 (Curb Cuts) of these Regulations shall be considered construction and, therefore, must fully comply with these Regulations, except that Section 3.3 shall not apply.
- 3.3 The following formula shall apply and govern all construction (except construction of curb cuts under Section 21 of these Regulations), reconstruction and changes of use as defined in these Regulations:
- A. If the work being performed amounts to less than twenty-five percent (25%) of the one-hundred percent (100%) equalized assessed value of the building, and
1. the cost of the work is less than \$50,000, only that portion of the work being performed shall comply with these Regulations;
 2. the cost of the work is \$50,000 or more, then that portion of the work being performed shall comply with these Regulations, and an accessible entrance and toilet usable by a person in a wheelchair also shall be provided.
- B. If the work being performed amounts to more than twenty-five percent (25%) of the one-hundred percent (100%) equalized assessed value of the building, the entire facility shall comply with these Regulations.
- 3.4 The formula contained in Regulation 3.3 also shall apply to all remodeling and alteration as defined in these Regulations, provided that the work being performed amounts to more than five percent (5%) of the one-hundred percent (100%) equalized assessed value of the building, or a building permit is needed, or work is determined to be an alteration by a state or local building inspector.
- 3.5 When the work performed on a building is divided into separate phases or projects or under separate building permits, the total cost of such work in any twenty-four (24) month period shall be added together in applying the formula in this Regulation.
- 3.6 When a building is occupied by two (2) or more different uses, the Regulations applicable to each use shall apply to such parts of the building within that use; and if there are conflicting provisions, the Regulations securing greater accessibility shall apply.
- 3.7 Buildings owned, controlled or operated by private clubs are exempt from these Regulations. (See Section 5.15)
- 3.8 For registered historical buildings or districts, owned or protected by the government, the Board may allow alternate accessibility.

4.1

Commencement of Proceedings:

{ 4.1.1. Variances: An owner, or his representative, (hereinafter referred to as "applicant"), who believes that full compliance with these Regulations is impracticable, may apply to the Board for a variance from such Regulations. Application for a variance shall be made upon a form provided by the Board for this purpose, shall contain such information as is required by the Board, and shall be signed by the applicant. Upon receipt of an application for a variance, the Board shall:

- 4.1.1.1 Investigate the matter. Following an investigation, the Board may act in accordance with the provisions of Section 4.1.1.2 and/or 4.1.1.3;
- 4.1.1.2 Request the applicant to appear before the Board in order to informally discuss the application for variance;
- 4.1.1.3 Following an investigation and/or informal discussion of the application for a variance, the Board shall determine whether or not to allow a variance, and shall notify the applicant of its action in accordance with the provisions of Standard Adjudicatory Rules of Practice and Procedure 801 CMR 1.01 (6)(c);
- 4.1.1.4 Upon receipt of a notice of action pursuant to Section 4.1.1.3, the applicant may initiate an adjudicatory proceeding before the Board in accordance with the Provisions of Standard Adjudicatory Rules of Practice and Procedure 801 CMR 1.01 (a) and (b) upon a form provided by the Board for this purpose.

{ 4.1.2

Complaints: Any person (hereinafter referred to as "complainant"), who has knowledge or evidence that any other person has not complied or is not complying with any of these Regulations, may complain to the Board. Upon receipt of a complaint, the Board shall:

- 4.1.2.1 Investigate the complaint. Following an investigation, the Board may act in accordance with the provisions of Section 4.1.2.2 and/or 4.1.2.3;
- 4.1.2.2 Notify the respondent of the existence of the complaint, and request the respondent to appear before the Board in order to discuss the possibility of an informal resolution of the complaint. If the respondent fails to appear, or appears and an informal resolution is not reached, or after an informal resolution is reached breaches the terms of that resolution, the Board may act in accordance with the provisions of Section 4.1.2.3;

Example: Town X has an assessment ratio of forty percent (40%), the particular building in question is assessed at \$200,000.00; to determine the equalized assessed value of this building, divide \$200,000.00 by .40. The equalized assessed value equals \$500,000.00.

- 5.10.2 When part of a building is subject to these Regulations, the full and fair cash value shall be based on the percentage of the full and fair cash value of the whole which equals the ratio of the square footage of the part of the building to the square footage of the whole building; provided that if the Board determines the application of this formula to cause an inequitable result, the Board may otherwise calculate the full and fair cash value of the part of a building at issue.

Example: Where the whole building is 100,000 square feet, the part in question is 10,000 square feet, and the equalized value of the whole is \$1,000,000.00, the full and fair cash value of the part is \$100,000.00.

- 5.11 "IMPRACTICABILITY": a) Compliance with the Regulations would be technologically unfeasible, or b) compliance with the Regulations would result in excessive and unreasonable costs without any substantial benefit to physically handicapped persons.
- 5.12 "MEANS OF EGRESS": A continuous and unobstructed path of travel from any point in a building or facility to a public space. A means of egress comprises the vertical and horizontal means of travel and shall include sidewalks, walkways, sidewalk ramps, intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards. Such means of egress shall be in no instance less than thirty-six (36) inches wide, except as provided in these Regulations.
- 5.13 "NON-SLIP": A condition in which a rubber heel, cane tip or crutch tip will not slip when pressure is applied at an angle of seventy (70) degrees on a level wet surface.
- 5.14 "PHYSICALLY HANDICAPPED PERSON": (For purposes of abbreviation, these Regulations alternatively may refer to physically handicapped persons as "the handicapped" or "handicapped persons".)
- 5.14.1 A person confined to a wheelchair;
- 5.14.2 a person who, because of the use of braces or crutches, or because of the loss of a foot or leg, or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity;
- 5.14.3 a person who, due to a brain, spinal or peripheral nerve injury, suffers from faulty coordination or palsy;

11 COMMERCIAL BUILDINGS

- 11.1 Those spaces in commercial buildings where the service or product is offered to the public, and those premises in which a member of the public may enter in a commercial building of more than two (2) stories in height and in which more than forty (40) persons are employed shall comply with these Regulations.

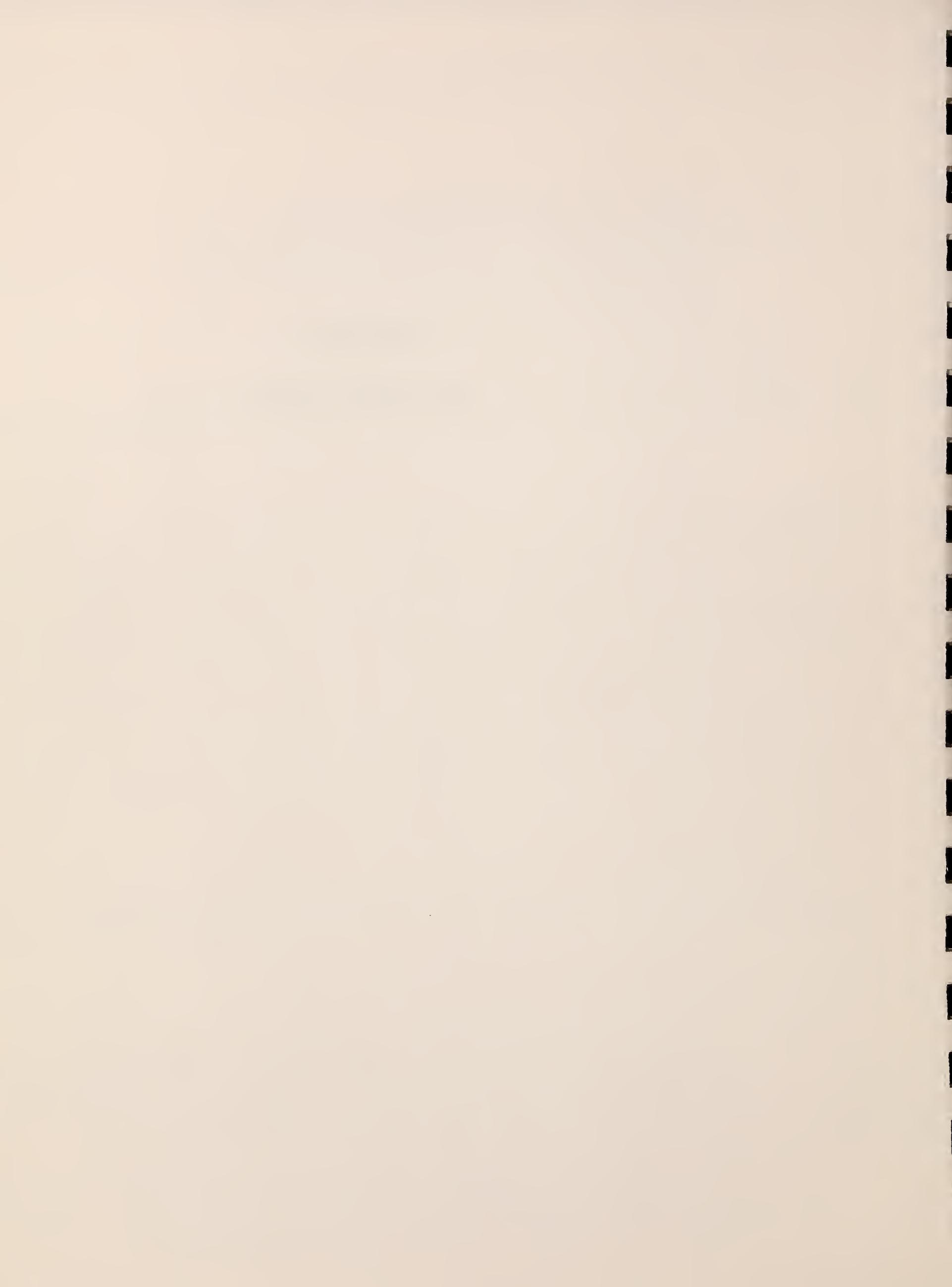
12 EDUCATIONAL INSTITUTIONS

- { 12.1 Educational institutions are public buildings within the meaning of these Regulations, and shall include, but not be limited to, libraries, public and private schools, pre-schools, day care facilities, colleges and universities, and training facilities.
- 12.2 Dormitories and administrative offices of educational institutions shall comply with these Regulations.
- 12.3 Amphitheaters and lecture halls of educational institutions shall also comply with Section 14 with the exception of capacity.
- 12.4 Library aisles between fixed stacks shall have a minimum clear width of thirty-six (36) inches and preferably forty-two (42) inches.

13 HEALTH INSTITUTIONS/FACILITIES

- 13.1 Health institutions or facilities are buildings in which medical service or treatment is provided, and shall include, but not be limited to, hospitals, clinics, dental offices, sanatoriums, alcohol and drug detoxification centers, and buildings in which one or more doctors provide health services similar to those provided by any of the above.
- 13.2 Where in-patient medical care is provided, all bedrooms and bathrooms shall have clear door openings of at least thirty-four (34) inches. At least five percent (5%), or a minimum of two (2) per floor, whichever is greater, of patient bedrooms with bathrooms shall have bathrooms fully accessible in accordance with Section 30 or 32.

APPENDIX D:
OFC REGULATIONS



The following is a statement of purpose prepared by the Office for Children (OFC)

OFC Licensing Process for Day Care Centers

I & II Definition & Why Important

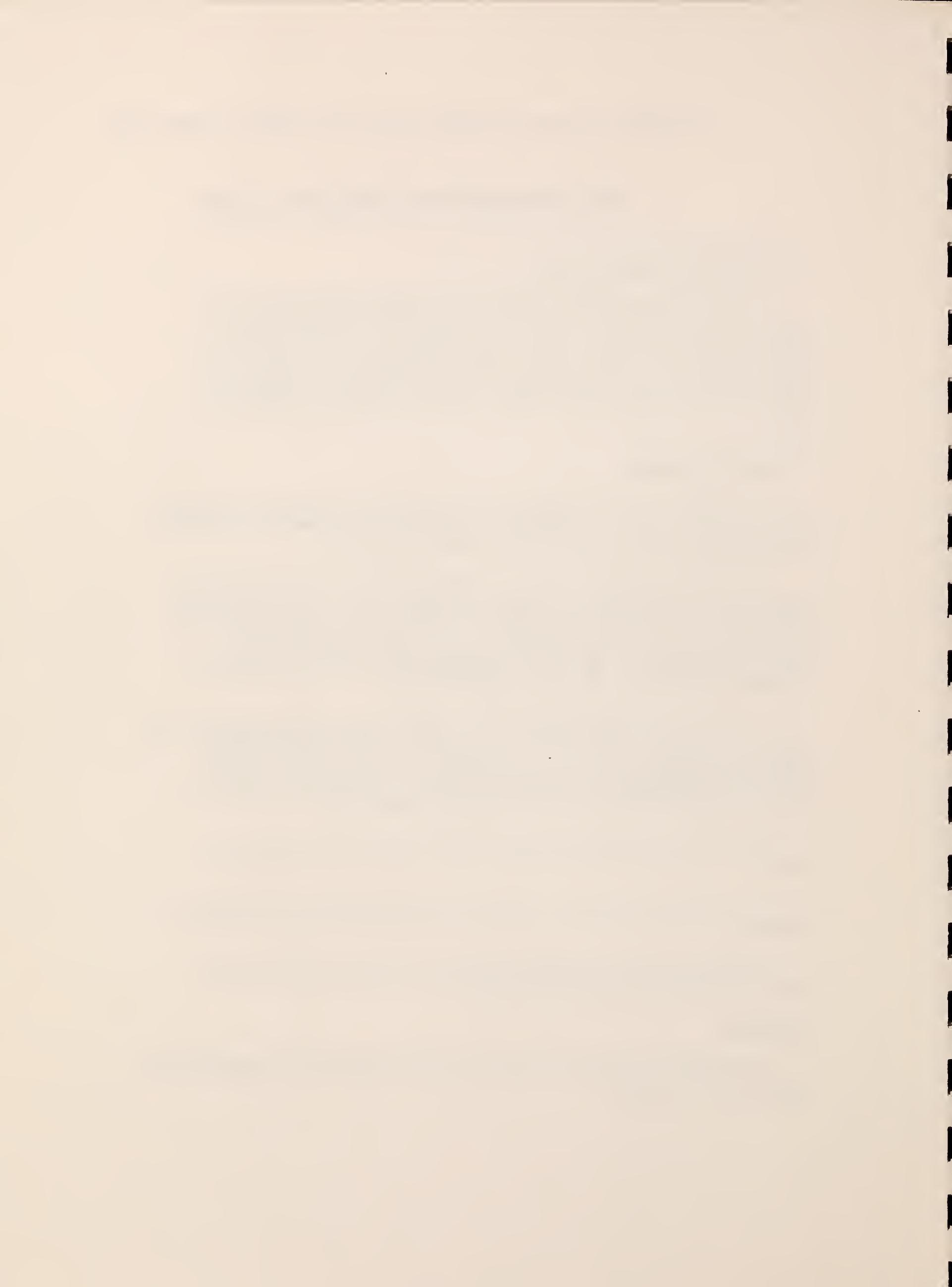
The Massachusetts Office for Children promulgates regulations designed to protect the health and safety of children and is responsible for licensing day care centers throughout the Commonwealth. These regulations cover the administration of the center, health and safety procedures, staff requirements and staffing patterns, program services and procedures, physical facility and equipment. Centers must comply with the OFC regulations to receive a license to begin providing child care services.

III Steps in the Process

- a) Obtain a copy of "102 CMR 7.00: Standards for the Licensure or Approval of Group Day Care Centers". The Standards are available from the State House Book Store, State House, Room 116, Boston, MA 02133 (phone 617-727-2834).
- b) Review the Standards and develop questions as to how the OFC regulations would apply to the particular day care center you want to start. Group day care center standards cover day care centers for infants (1 month -15 months, toddlers (15 months to 2 years 9 months), preschool age children (2 years 9 months and up), private kindergarten programs, full day , part day and special needs. There are a separate set of regulations, 102 CMR 11.00, for school age child care.
- c) Contact your regional OFC Office and make an appointment to attend the next scheduled meeting for new day care providers. These meetings are held regularly throughout the state for people who are considering starting a new center. At these meetings, OFC licensors discuss the licensing process, provide copies of application materials and helpful forms and answer questions you might have.
- d) File a complete application packet and licensing fee with the Office for Children.
- e) OFC will conduct on site inspections to assess compliance with licensing regulations.
- f) New day care centers programs are issued a 6 month provisional license if found to be in compliance with the regulations.

IV Contact

To determine the regional OFC Office that covers your location, call the Office for Children at 617-727-8900.



102 CMR 7.00 STANDARDS FOR THE LICENSURE OR APPROVAL OF GROUP DAY CARE CENTERS

Section

- 7.01: Introduction
- 7.02: Definitions
- 7.03: Licenses and Approvals
- 7.04: Effective Date; Severance
- 7.05: Administration of the Center
- 7.06: Staff Requirements and Staffing Patterns
- 7.07: Program Services and Procedures
- 7.08: Food and Food Preparation
- 7.09: Sleep, Rest and Quiet Activity
- 7.10: Referral Services and Termination
- 7.11: Physical Facility and Equipment
- 7.12: Appendix 1 - Advisory Task Force

7.01: Introduction

These standards are adopted in accordance with M.G.L. c. 28A particularly ss. 9 through 13 thereof, and in accordance with St. 1972, c. 785, s. 13. St. 1972, c. 785, which created the Office for Children, stresses the commitment of state government to assuring every child "a fair and full opportunity to reach his full potential." In fulfilling its mandate as the agency responsible for licensing day care centers, the Office has developed specific regulations to be met by day care centers in order to provide this opportunity to the children they serve.

The scope of these standards goes beyond previous regulations in that they include specific provisions for care of infants and toddlers and special needs children up to age sixteen, as well as the general provisions for all children aged two and a half through seven in day care centers. The regulations reflect the belief that every aspect of a day care center's operation affects the children enrolled. The physical environment; administrative functioning; staff qualifications and numbers; procedures for health care, rest, meals, toileting and varied activities; and types of equipment available all contribute to the day care experience of a child and should maintain a maximum quality level which promotes healthy growth and development of children.

The standards provide that all day care centers accepting infants and toddlers, children aged two and a half through seven and/or special needs children up to age sixteen, are:

- (a) soundly administered by qualified persons designated specific administrative and program responsibilities;
- (b) staffed by appropriate numbers of persons with experience and/or education in the field of early childhood education;
- (c) providing a well-rounded variety of age-appropriate activities, toys, and equipment for children on a regular basis;
- (d) able to meet the emergency health needs of the children;
- (e) able to provide for the basic physical care of children, including adequate nutritional meals and snacks, rest or sleep, and toileting procedures;
- (f) able to appropriately involve parents of children in day care in visiting the center, meeting with the staff and receiving reports of their children's progress;
- (g) located in physical facilities which meet fire safety requirements, are clean, comfortable, and free from hazards such as lead-based paint.

GENERAL ADMINISTRATION PROCEDURES**7.02: Definitions**

Definitions. As used in 102 CMR 7.00, the following words shall have the following meanings unless the context otherwise requires:

- (1) **Administrator of Special Education.** The person appointed by the school committee of any city or town, or school district, wherein a child resides, to serve as the administrator of special education pursuant to M.G.L. c. 71B (St.

7.02. continued

1972, c. 766) and regulations issued pursuant thereto.

(2) Applicant. The individual, designated by the person applying for group day care licensure or approval, who is responsible for the administration of such facility and who is designated as the chief administrative person and is a duly authorized agent of the person applying for licensure or approval.

(3) Approval. A certification in writing, whether full or provisional, issued by the Office to a department, agency, or institution of the Commonwealth or any political subdivision thereof, which authorizes it to operate a day care center.

(4) Center. When used alone means a day care center.

(5) Child. Any person at least one month of age and under seven years of age, or sixteen years of age with special needs.

(6) Children with Special Needs. Children at least one month of age and under sixteen years of age, who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical or environmental factors, or other specific learning disabilities, are or would be unable to progress effectively in a regular school program.

(7) Day. Shall mean calendar days unless otherwise specified in the regulations.

(8) Day Care Center. Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other name which receives children, not of or common parentage, under seven years of age, or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

(9) Director. The director of the Office for Children.

(10) Full Time. All the time the center is in operation.

(11) Group. Two or more children who participate in the same activities at the same time and are assigned to the same staff person for supervision, at the same time.

(12) Infant. A child who is under fifteen months of age.

(13) License. Any certification in writing, whether regular or provisional, issued by the Office to any person other than a department, agency or institution of the Commonwealth or any political subdivision thereof, which authorizes such persons to operate a day care center.

(14) Licensed capacity. Determination by the Office of the number of children which a day care center can care for at any one time under 102 CMR 7.00.

(15) Licensee. Any person holding a license or approval issued by the Office.

(16) Office. The Office for Children.

(17) Parent. Father or mother, guardian or person or agency legally authorized to act on behalf of the child in place of, or in conjunction with, the father, mother or guardian.

7.02: continued

- (18) Person. Any individual, partnership, corporation, association, organization or trust or any department, agency or institution of the federal government or of the Commonwealth or any political subdivision thereof.
- (19) Sanitize. Effective bactericidal treatment of surfaces of equipment and utensils.
- (20) Toddler. A child who is at least fifteen months of age, but under thirty-three months of age.

7.03: Procedures for Issuing Licenses and Approvals

- (1) Applications. Any person who wishes to establish and maintain a day care center serving children shall file an application, in writing, with the Office in a manner and on a form prescribed by it. Any person seeking to renew a license or approval shall file an application for such renewal, in writing, with the Office in a manner and on a form prescribed by it not less than thirty (30) days prior to the date of expiration of his current license or approval.
- (2) Requirements for Applicant. The applicant(s) shall have a background which, in the judgment of the Office, is free of conduct which bears adversely on his/her ability to provide for the safety and well being of children.
- (3) Action by the Office.
 - (a) Upon receipt and review of an application for a license or approval or renewal, the Office shall issue or renew a license or approval if it finds that the applicant is in compliance with these regulations. Review shall include, but not be limited to, interviews, site visits, review of records, and consultation related to licensing standards. Any false statement made on the application or renewal form, or any other communication to the Office shall be grounds for refusal to issue, refusal to renew, or grounds to revoke or suspend a license or approval.
 - (b) An applicant/licensee shall not qualify for a license or approval from the Office for five (5) years after suspension, revocation, or refusal to issue or renew a license or approval held by the applicant/licensee other pursuant similar to M.G.L. c. 28A or other licensing law. Thereafter, an applicant shall only be eligible if he/she can demonstrate a significant change in circumstances.
- (4) Waivers. The Office may, upon written request, waive any regulation contained in 102 CMR 7.05 through 7.11 and allow an alternative method for compliance with such regulations if the applicant provides clear and convincing evidence, including, at the request of the Office, expert opinion which demonstrates to the satisfaction of the Office that the applicant's alternative method will comply with the intent of the regulation for which a waiver is requested. The Office may consider any other evidence relevant to the request for waiver.
- (5) Term of License. A license or approval is valid for two years from the date of issuance unless revoked, suspended or made probationary.
- (6) Application Fee. The application shall be accompanied by a check for thirty dollars (\$30.00) made payable to the Commonwealth of Massachusetts.
- (7) Requirements for Provisional Licenses. If the Office finds that the applicant has not complied with, or is unable to comply with, all applicable regulations, or if the applicant seeks to operate a center which has not previously operated, the Office may issue a provisional license provided that care given in the center is adequate to protect the health and safety of the children and that the applicant provides the following documents:
 - (a) a statement of the ownership of the center, including the names and addresses of all owners, or, in the case of corporations, the officers, as required by 102 CMR 7.05(4)(a) and 7.05(4)(b);
 - (b) in the case of corporations, partnerships, and associations, a copy of their by-laws, as required by 102 CMR 7.05(4)(b);

7.03. continued

- (c) a statement describing the facility's personnel policies as required by 102 CMR 7.06(3)(c);
- (d) the applicant's completed CORI affidavit and evidence of each staff person's compliance with 102 CMR 7.06(3)(a)1. through 4. Evidence of a CORI evaluation shall be on file for each staff person prior to issuance of a provisional license;
- (e) a copy of the health care policy as required by 102 CMR 7.04(14), and evidence of the availability of a physician, a public health nurse, a registered nurse or health clinic director for consultation, as required by 102 CMR 7.07(15);
- (f) evidence of ability to provide an administrative designee and appropriate staff supervision and ratios, as required by 102 CMR 7.05(5), 7.06(1), and 7.06(11) through 7.06(18);
- (g) a copy of the written program plan, as required by 102 CMR 7.07(11) and evidence of ability to fulfill the elements of the plan and a copy of the plan providing referral services to parents, as required by 102 CMR 7.10(1);
- (h) if the facility has not previously operated as a licensed day care center, certification from a state or local health department that the facility is free of all lead based paint which is peeling or chipping and that lead based paint has been completely removed from all surfaces accessible to children, four feet from the floor or ground level of interior and exterior surfaces, as required by 102 CMR 7.11(3). Centers which have previously operated must obtain lead testing of the facility during the first period of provisional licensure and shall not obtain a regular license unless such certification is provided;
- (i) if the center serves hot meals for thirteen or more children, or uses a private water source, a certification from the local health department that the center is in compliance with applicable codes, as required in 102 CMR 7.11(2);
- (j) certification by the Department of Public Safety or the local building inspector, or a statement from the inspecting authority, providing conditional approval and indicating that children's safety would not be endangered in the center, as required in 102 CMR 7.11(1);
- (k) a written plan, agreed to by the Office, for compliance with the requirements in 102 CMR 7.00.

(8) **Term of Provisional License.** A provisional license or approval shall be issued for a period not to exceed six (6) months and may be renewed once for no more than six (6) months. In no case shall a person operate under a provisional license, provisional approval or renewal of a provisional license for more than twelve (12) consecutive months.

VISITS BY THE OFFICE FOR CHILDREN

(9) **Visits to Determine Compliance.** Any employee of the Office, authorized in writing by the Director, may, at any reasonable time, visit and inspect any center operated by a person who is subject to licensure or approval by the Office in order to determine whether such center is being operated in compliance with the law and with the regulations established by the Office.

DEFICIENCY CORRECTION ORDERS

(10) **Correction of Deficiencies.** Whenever the Office finds upon inspection or through information in its possession that a person operating a day care center is not in compliance with any applicable licensing regulations of the Office, the Office may order that person to correct such deficiency.

(11) **Content of Orders.** Every such correction order shall be in writing and shall include a statement of the deficiencies found, the period within which the deficiency must be corrected, and the provisions of law and regulation relied upon. The period shall be reasonable and, except when the Office finds an emergency dangerous to the health or safety of children, not less than thirty (30) days from receipt of such order.

7.03 continued

(12) Request for Administrative Reconsideration. Within seven (7) days of such receipt, the person operating the center may file a written request with Office for administrative reconsideration of the order or any portion thereof.

(13) Office Action on Requests for Reconsideration. The Office shall grant or deny such written request within seven (7) days of filing and shall notify the operator of the center of such grant or denial.

(14) Enforcement. In the event that the person operating the center fails to correct any deficiency within the period prescribed for correction, the Office may enforce its correction order under 102 CMR 7.03(15) or 7.03(16) or in accordance with M.G.L. c. 28A, s. 16.

SUSPENSION, REVOCATION AND REFUSAL TO ISSUE CR RENEW LICENSES OR APPROVALS

(15) Grounds for Adverse Action on Licenses or Approvals. After a hearing, held pursuant to the Office for Children Rules of Procedure for Adjudicatory Proceedings (102 CMR 1.00), the Office may revoke, suspend, refuse to issue or refuse to renew a license or approval if it finds any of the following:

- (a) the applicant or licensee failed to comply with any applicable regulation or any deficiency correction order;
- (b) the applicant or licensee submitted any misleading or false statement or report required under 102 CMR 7.00;
- (c) the applicant or licensee refused to submit any report or make available any records required under 102 CMR 7.00;
- (d) the applicant or licensee refused to admit, at a reasonable time, any employee of the Office authorized by the Director to investigate or inspect, in accordance with 102 CMR 7.03(9).

(16) Suspension Without a Hearing.

(a) The Office may refuse to issue or may suspend any license or approval without a hearing if failure of the operator or licensee to comply with any applicable regulation results in an emergency situation which endangers the life, health, or safety of children or staff present in the center. Any notice of such refusal to issue or suspension of a license or approval shall be hand delivered or mailed to the licensee via first class mail registered return receipt requested. However, upon written request of an aggrieved party, delivered in hand or mailed to the Office via first class mail registered return receipt requested, a hearing shall be held within seven (7) business days of the delivery of such request; provided that such request is delivered in hand, or mailed to the Office within three (3) business days of such refusal to issue or suspension of any license or approval.

(b) Such notice of refusal to issue or suspension of a license or approval, pursuant to 102 CMR 7.02(16) shall include a copy of the provisions of this section.

(c) The licensee shall notify parents of all children in the center of any such refusal to issue or suspension of a license or approval within two (2) business days of receipt of notice from the Office.

POSTING OF LICENSE, APPROVAL OR ORDER, REQUIRED NOTIFICATION AND AVAILABILITY OF REGULATIONS

(17) Posting of License, Approval or Order. The licensee shall post, in a conspicuous place, any current license or approval issued to him by the Office and any notice of hearing, order or decision issued by the Office that pertains to the center. Such posting shall be in an area accessible to visitors and employees.

(18) Notification of Legal Proceedings. Every licensee shall report, in writing, to the Office any legal proceeding (within ten (10) days of initiation of such proceedings) brought against him or any person employed by the center if such proceeding arises out of circumstances related to the care of children in the center or to the continued operation of the day care program.

7.03: continued

- (19) Notification of Death or Serious Injury. The licensee shall immediately report to the Office the following:
- the death of any child which occurs while such child is in care;
 - any injury to, or illness of, any child which occurs during the hours while such child is enrolled in care and which requires inpatient hospitalization overnight.
- (20) Notification of Change of Ownership. The licensee shall provide notification, in writing, to the Office prior to any change in ownership of the center.
- (21) Notification of Change in Chief Administration. The licensee shall provide prior notification, in writing, to the Office of any change in the person designated by the owner or the governing body as having responsibility for administration of the facility.
- (22) Change in Location. The licensee shall provide prior notification, in writing, to the Office of any change in location of the center.
- (23) Availability of Regulations. The licensee shall have a copy of these regulations on the center premises and shall make them available to any person upon request.

TRANSFER OF LICENSE

- (24) Transfer of License. A license or approval shall not be transferable from one licensee to another; from one center to another; from one location to another; or from one owner to another.

7.04: Effective Date of Standards

- (1) Effective Date. The effective date of these standards is the date of publication by the Secretary of the Commonwealth.
- (2) Licenses Issued Under Previous Standards. Any license, or approval, in effect immediately prior to the effective date of these standards shall remain in effect, unless suspended or revoked, until a new license or approval is issued or expressly refused under these standards. Any license, or approval, issued after the effective date of these standards shall be deemed to be in effect prior to said effective date if the Office's application for said license is signed by the applicant prior to the effective date of these standards.
- (3) Severance. If any provision contained in these regulations or the application thereof to any person or circumstances is held invalid, the remainder of the regulations and the application of provisions in question to other persons not similarly situated, or to other circumstances, shall not be affected thereby.

7.05: Administration of the Center

- (1) Statement of Purpose. Each licensee shall keep and maintain a written statement identifying the center's philosophy; its goals and objectives; the characteristics of children served, including but not limited to age, sex, special needs; its intake procedures and the services provided. The licensee shall provide each child's parent(s) with a copy of this statement, shall make this statement available upon request to any person and shall keep such statement current.
- (2) Non-Discrimination. The licensee shall not discriminate in providing services to children and their families on the basis of race, religion, cultural heritage, political beliefs or marital status.
- (3) Fee Schedule. The licensee shall maintain a written fee schedule for the services provided. Such schedule shall be provided to parents and to any person upon request and shall be kept current.

7.05. continued

**AUTHORITY TO OPERATE AND REQUIREMENTS
FOR ADMINISTRATOR**

(4) Evidence of Authority to Operate. Each licensee shall have documentary evidence of his source of authority to operate the center:

(a) A center operated by the Commonwealth or any political subdivision thereof shall keep and maintain documents that identify the statutory basis of its existence, and the administrative framework of the governmental department in which it operates;

(b) A private center shall keep and maintain documents that fully and completely identify its ownership. Corporations, partnerships, or associations shall identify their officers and maintain a file which shall include, where applicable, the charter, partnership agreement, constitution, articles of organization and by-laws.

(5) Designation of Administrative and Program Development Responsibility. Each licensee shall designate at least one person who shall have administrative responsibility over the operation of the center and who shall be responsible for developing and maintaining the early childhood education program of the center, including, but not limited to, such functions as daily activities for the children, health and nutrition programs, field trips, parent involvement, social services, staff supervision and training. More than one person may be designated to share such responsibilities.

(a) In centers with licensed capacities of forty or more children, the designated person shall be a full-time non-teaching director regularly on the premises of the center. If administrative functions and program development are carried out by more than one person, the center shall demonstrate that administrative duties will be carried out by designated individuals on a full-time basis.

(b) In full day centers with licensed capacities of twenty-five to thirty-nine children, the licensee shall allocate at least fifty per cent of a full-time position for non-teaching administrative and program development duties, on the premises during the hours of operation.

(c) The licensee shall not utilize staff who are assigned teaching duties to perform administrative or program development duties when assigned to groups of children.

(6) Requirements for Administrator. The administrator, as defined in 102 CMR 7.05(5), shall meet the qualifications for a head teacher, as established in 102 CMR 7.06(1)(a), and shall be a full-time staff member on the premises regardless of whether duties are split between teaching and non-teaching responsibilities as allowed by 102 CMR 7.05(5). If more than one person is designated as administrator, at least one person who is designated must be a full-time staff person, on the premises, and must meet the head teacher requirements, as established in 102 CMR 7.06(1)(a).

(7) Organizational Information. Information on the administrative organization of the center shall be provided to parents and staff, including identification of lines of authority and supervision.

(8) Provisions for Temporary Absence of Administrator. The licensee shall inform all staff on duty as to who is responsible for administration of the center at any given time. In the event of the temporary absence of the administrator, the administrator may appoint a designee who shall be on the premises of the center while it is in operation. The designee shall meet the qualifications of a teacher, as required by 102 CMR 7.06(1)(b).

(9) Business Management. The licensee shall establish a system of business management and staffing to assure that the center maintains complete and accurate accounts, books and records, including required personnel and children's records.

RESEARCH UNAUTHORIZED ACTIVITIES AND UNUSUAL TREATMENT

(10) Research and Experimentation; Unusual Treatment. No licensee shall

7.05 - continued

conduct research, experimentation, or unusual treatment involving children without the written, informed, consent of the affected child's parents or guardian, for each occurrence. In centers where observations of children (by other than parents of the children in the center) are common, a general parental consent may be obtained in writing. Observation shall mean that there is no interaction between the child and the observers and no identification of the individual child. In no case shall the licensee allow physical harm of children to be carried out during research, experimentation or unusual treatment. Research and experimentation shall not mean program evaluation or data collection for purposes of documenting services of the facility which do not identify individual children.

(11) Unauthorized Activities. The licensee shall not authorize any activities unrelated to the direct care of children or to any contacts with the parent(s) or guardian without the written, informed consent of the parent(s) or guardian. "Activities" shall mean, but not be limited to:

- (a) fund raising;
- (b) publicity, including photographs and participation in the mass media.

PARENT INVOLVEMENT

(12) Parent Visits. The licensee shall permit and encourage parents to visit the center and their child's room while their child is present.

(13) Parent Input. The licensee shall have a procedure for allowing parental input in the development of center policy and programs. The licensee shall provide an explanation to the parent(s) when a parent(s) makes suggestions as to the program or policy of a center and the suggestions are not adopted by the licensee. If the parent requests a written response, the licensee shall respond in writing to the parent.

(14) Reports to Parents. The licensee shall, periodically but at least every six (6) months, prepare a written progress report of the participation of each child in the center's program. This report shall be maintained in the child's records. The licensee shall provide a copy of each report to the parent(s) or meet with them at least every six (6) months to discuss their child's activities and participation in the center. In addition:

- (a) for infants under fifteen months of age, the licensee shall complete a written progress report of the child's development every three (3) months, and provide it to the parent(s);
- (b) the licensee shall bring special problems or significant developments, particularly as they regard infants, to the parent's attention as soon as they arise.

(15) Parent Conferences. The licensee shall make the staff available for individual conferences with parents at parental request.

(16) Notification to Parents. The licensee shall notify all parents, in writing, of the provisions in 102 CMR 7.05(12) through 7.05(15) at the time of the admission interview.

RECORDS AND CONFIDENTIALITY

(17) Children's Records. The licensee shall maintain a written record for each child which includes:

- (a) A face sheet or sheets, which identifies the child by the following information, where available:
 1. the name, date of admission, date of birth, place of birth, and primary language of the child and parent(s), if other than English;
 2. the parent's name, address, and phone number (home and business);
 3. name, address and phone number of person to contact in case of emergency when the parent is unavailable;
 4. sex, race, height, weight, color of hair, color of eyes, and any identifying marks;

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- (b) Copies of periodic progress reports, as required in 102 CMR 7.05(14);
- (c) Medical records indicating the child's health while enrolled, including admissions and physical examinations, as required in 102 CMR 7.07(4) and 7.07(18); immunizations, as required in 102 CMR 7.07(5); and a record of any prescribed medications administered to the child, as required in 102 CMR 7.07(17);
- (d) Individual program plans, and periodic review of such plans, for any special needs child, as required in 102 CMR 7.07(7);
- (e) All necessary authorizations and consents and information required in 102 CMR 7.07(9);
- (f) All pertinent correspondence concerning the child, including referrals for social services, as required in 102 CMR 7.10(3).

(18) **Maintenance of Records.** The licensee shall maintain records which shall be legible, dated and signed by the individual making the entry. The licensee shall continually update all information in the children's record. The licensee shall retain records for a period of at least five (5) years after a child has left the center unless the record has been transferred to the parent, as provided for in 102 CMR 7.05(22).

(19) **Confidentiality and Distribution of Records.** Information contained in a child's record shall be privileged and confidential. The licensee shall not distribute or release information in a child's record to anyone not directly related to implementing the program plan for the child without the written consent of the child's parent(s). The licensee shall notify the parent(s) if a child's record is subpoenaed.

The child's parent(s) shall, upon request, have access to his child's record at reasonable times. In no event shall such access be delayed more than two (2) business days after the initial request without the consent of the child's parent(s). Upon such request for access the child's entire record, regardless of the physical location of its parts, shall be made available. The licensee shall establish procedures governing access to, duplication of, and dissemination of such information; and shall maintain a permanent, written log in each child's record indicating any persons to whom information contained in a child's record has been released. Each person disseminating or releasing information contained in a child's record, in whole or in part, shall, upon each instance of dissemination or release, enter into the log the following: his name, signature, position, the date, the portions of the record which were disseminated or released, the purpose of such dissemination or release, and the signature of the person to whom the information is disseminated or released. Such log shall be available only to the child's parent(s) and center personnel responsible for record maintenance.

(20) **Charge for Copies.** The licensee shall not charge an unreasonable fee for copies of any information contained in the child's record.

(21) **Amending the Child's Record.**

- (a) A child's parent(s) shall have the right to add information, comments, data or any other relevant materials to the child's record;
- (b) A child's parent(s) shall have the right to request deletion or amendment of any information contained in the child's record. Such request shall be made in accordance with the procedures described below:
 1. if such parent(s) is of the opinion that adding information is not sufficient to explain, clarify, or correct objectionable material in the child's record, he shall have the right to have a conference with the licensee to make his objections known;
 2. the licensee shall, within one (1) week after the conference, render to such parent(s) a decision in writing stating the reason or reasons for the decision. If his decision is in favor of the parent(s), he shall immediately take steps as may be necessary to put the decision into effect.

(22) **Transfer of Records.** Upon written request of the parent(s), the licensee shall transfer the child's record to the parent(s), or any other person the parent(s) identifies, when the child is no longer in care.

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(23) Notification to Parents. The licensee shall notify the parent(s), in writing, of the provisions of 102 CMR 7.05(19), 7.05(20), 7.05(21), 7.05(22) and 7.05(24), at the time of the child's admission to the center and thereafter, in writing, at least once a year.

INFORMATION REQUIRED BY THE OFFICE

(24) Availability of Information to the Office. Notwithstanding 102 CMR 7.05(19), upon request of an employee, authorized by the Director and involved in the regulatory process, the licensee shall make available to the Office any information required to be kept and maintained under these regulations and any other information reasonably related to the requirements of these regulations. Authorized employees of the Office shall not remove identifying case material from the center's premises and shall maintain the confidentiality of individual records.

7.06: Staff Requirements and Staffing Patterns

STAFF QUALIFICATIONS AND PERSONNEL PROCEDURES

(1) Staff Qualifications. The licensee shall employ head teachers, teachers, consulting resource teachers, and teaching assistants who by prior education, training, experience and interest in early childhood education are appropriate to meet the needs of the children in care. The following are minimum qualifications which are acceptable under these regulations:

- (a) A head teacher shall meet one of the following sets of requirements:
 1. be at least twenty-one (21) years of age; have a high school diploma or equivalent; have evidence of satisfactory completion of four (4) courses in early childhood education offered by an accredited institution of higher education or approved by the Office; and have thirty-six (36) months at least half-time experience giving care to pre-school age children in a day care center; or
 2. have an Associates degree in early childhood education or related field such as child care, psychology, mental health, child development, social work or elementary education, and have evidence of satisfactory completion of four (4) courses in early childhood education offered by an institution of higher education or approved by the Office and have twenty-seven (27) months, at least half-time experience giving care to pre-school age children in a day care center; or
 3. have a Bachelor's degree, or advanced degree, in early childhood education or related fields such as child care, psychology, mental health, child development, social work or elementary education, and have evidence of satisfactory completion of four (4) courses in early childhood education offered by an institution of higher education or approved by the Office, and have eighteen (18) months, at least half-time experience, giving care to pre-school aged children in a day care center.
 4. In those centers licensed to accept infants and toddlers, the head teacher, meeting either 102 CMR 7.06(1)(a)1, 7.06(1)(a)2, or 7.06(1)(a)3, above shall have at least nine (9) months or their experience in providing care for infants or toddlers in a day care center or registered family day care setting.

- (b) A teacher shall meet one of the following sets of requirements:
 1. have a high school diploma or equivalent, or be twenty-one (21) years of age; have evidence of satisfactory completion of one (1) course in early childhood education offered by an institution of higher education or approved by the Office; and have nine (9) months, at least half-time experience, giving care to pre-school age children in a day care center; or
 2. have an Associates or Bachelor's degree in early childhood education or related fields such as child care, psychology, mental health, child development, social work or elementary education; have evidence of satisfactory completion of one (1) course in early childhood education offered by an institution of higher education or approved by the Office; and have three (3) months, at least half-time, supervised care giving

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experience with pre-school age children in a day care center.

3. In those centers licensed to accept infants and toddlers, teachers meeting 102 CMR 7.06(1)(b)1. above shall have at least six (6) months of their experience providing care to infants or toddlers in a day care center or registered family day care home. Teachers meeting 102 CMR 7.06(1)(b)2. above shall have at least three (3) months at least half-time experience providing care for infants or toddlers in a day care center or registered family day care home.

(c) Teaching assistants, either paid or volunteer, shall be at least sixteen (16) years of age and shall work under the direct supervision of a teacher or head teacher at all times.

(d) In those centers licensed to accept children with special needs, the licensee shall have available a consulting resource teacher, either full-time or part-time, paid or volunteer. The consulting resource teacher shall aid in evaluating special needs children, shall aid in developing and shall approve, in writing, each special needs child's program plan, shall supervise the implementation of the plan, and shall be the liaison with the appropriate special education administrator and any other agency or hospital involved with the child. In cases where a child has received a core evaluation under Chapter 766 of the Acts of 1972, the person appointed by the Local Educational Authority may, if they meet the following requirements, serve as the consulting resource teacher. The consulting resource teacher shall meet the following minimum requirements:

1. have a Bachelor's degree in early childhood education, special education, psychology, or related fields which includes at least four (4) courses on special needs children and shall have eighteen (18) months, at least half-time experience, providing care to or teaching children with special needs; or

2. have a Master's degree in early childhood education, special education, psychology or related fields which includes at least four (4) courses on special needs children; and nine (9) months, at least half-time experience, providing care to or teaching children with special needs.

(2) Availability of Personnel Qualifications. The licensee shall have on file at the center evidence acceptable to the Office of qualifications of staff required by these regulations.

(3) Personnel.

(a) Employment Background Information. Each person employed by the licensee, who has unmonitored contact with children, shall have a background free of conduct which, in the judgment of the licensee, bears adversely upon his or her ability to provide for the safety and well-being of a child(ren). The licensee shall determine whether an employee's or potential employee's conduct, criminal or otherwise, shall disqualify that person from employment. In making this determination, the licensee shall consider at least the following conduct:

1. Engaging in, or having engaged in conduct which results in his/her child being adjudicated to be in need of care and protection.

2. Use of alcohol or drugs to an extent or in a manner that is determined by the licensee to impair the his/her ability to care for children properly.

3. Having engaged in conduct which results in a criminal conviction included in a relevant CORI, or engaging in, or having engaged in, any other conduct, criminal or otherwise, determined by the licensee, to impair the employee's ability to care for children.

a. A relevant CORI will consist of those convictions which the Office for Children determines may affect the individual's ability to have contact with children in a licensed facility or program.

b. The relevant CORI report may consist of convictions for any offense involving sexual or physical abuse, any offense involving children, and certain violent or drug-related crimes.

c. The licensee shall request a relevant CORI report for only those employees who will have unmonitored contact with a child(ren). Unmonitored contact shall be defined as being alone with one or more

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children for longer than five minutes in a licensed program with no other staff member or volunteer in the immediate area within sight or within hearing distance) or removal of a child(ren) from the licensed premises by an individual without the presence of another staff member or volunteer in the immediate area.

(b) Procedures to obtain and review relevant CORI reports:

1. The licensee shall obtain from those employees identified in 102 CMR 7.06(3)c completed CORI affidavit.
2. Each licensee shall submit to the Office the names of employees in 102 CMR 7.06(3)(b)1 with their completed affidavits.
3. The Office shall provide the relevant CORI report to the employee and shall notify the licensee that such report exists. Within five (5) business days of receipt of notification, the employee and the licensee must review the report in order for the licensee to determine whether the conviction(s) disqualifies the employee from having unmonitored contact with children. After the review of the report, the licensee shall return to the Office both its notification and the employee's report.
4. If the employee does not provide his/her CORI report to the licensee, the licensee must return its notification to Office for Children within five (5) working days.
5. Each licensee shall ensure that employees shall not have unmonitored contact with a child(ren) until the licensee determines that the requirements of 102 CMR 7.06(3)(a) and (b) are met.

(c) Personnel Policies. In centers with four (4) or more paid staff members, the licensee shall describe, in writing, the center's current personnel policies and practices and shall make them available to all employees and prospective employees at the center. Such personnel policies shall include, when appropriate, a description of:

1. Criteria and procedures for hiring, promotion, probationary periods, disciplining, suspension, and dismissal of any staff person;
2. The procedure for handling staff complaints;
3. Provisions for vacations, holidays, leaves and sick days;
4. Information on probation periods; hours of work, including staff meetings and training sessions; overtime; skeleton days; jury duty; bereavement pay; breaks; and leaves of absences.

(d) Staff records. The licensee shall maintain a personnel record for each staff person which shall include, but not be limited to the following documents, to be made available to the Office upon request:

1. Employee's resume or job application.
2. Documentation of employment history and reference checks by telephone.
3. Documentation that the employee has the experience required to qualify under 102 CMR 7.06(1)(a), (b) and (d).
4. Evidence from an institution of higher learning that the employee has satisfactorily completed the courses required to qualify under 7.06(1)(a), (b) and (d).
5. Documentation of completed CORI evaluation as required by 102 CMR 7.06(3)(a) and (b).
6. Health records as required by 7.07(19).
7. Verification of first aid training as required by 7.07(16)(a).
8. Documentation of the criteria and procedure used to hire, discipline or dismiss a staff person based on the requirements of 7.06(3)(c)1.

(4) Job Descriptions. In centers with four (4) or more paid staff members, the licensee shall make available written job descriptions for all paid staff positions.

(5) Salary Ranges. In centers with four (4) or more paid staff members, the licensee shall establish and describe, in writing, a salary range covering all positions and shall provide each employee with information regarding the salary range for his position or the procedure for determining the salary for his position.

(6) Evidence of Required Certification, Licensure or Registration. The licensee shall obtain, upon request of the Office, evidence that personnel are

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currently certified, licensed or registered where applicable laws require certification, licensure or registration.

(7) Staff Orientation. The licensee shall provide orientation for all new staff to acquaint them with the center's philosophy, organization, program, practices and goals. The licensee shall describe, in writing, the center's plan for staff orientation.

(8) Staff Training.

- (a) The licensee shall provide on-going training programs, including participation by teaching staff in two (2) hours of training per month. The licensee shall describe, in writing, the center's plan for staff training.
- (b) The licensee shall describe, in writing, its arrangements with any professional training program, including a description of student intern responsibilities and the supervision of student interns by the college and the center.

(9) Volunteers.

- (a) Volunteers, including students, shall be chosen for their ability to meet the needs of the children in care and shall be provided appropriate orientation, training, and supervision.
- (b) Each volunteer who has unmonitored contact with children shall have a background which, in the judgment of the licensee, is free of conduct which bears adversely upon his or her ability to provide for the safety and well being of children. The licensee shall have evidence of each volunteer's compliance with 7.06(3)(a) and (b) and at least one reference check shall be conducted and documented on each volunteer.
- (c) In the event that a volunteer is a parent who has a child enrolled in the day care center and that parent is not included in the required staff/child ratio, then 102 CMR 7.06(3)(a) is not applicable.

STAFF RATIOS AND GROUPINGS

(10) Head Teachers.

- (a) In all centers with licensed capacities of forty (40) to seventy-nine (79) children, the licensee shall provide one (1) full-time staff member on the premises designated as a head teacher. The head teacher shall meet the qualifications in 102 CMR 7.06(1)(a), and may be the same person as the non-teaching director required in 102 CMR 7.05(5)(a).
- (b) In all centers with licensed capacities of more than seventy-nine (79) children, and for every increase in the licensed capacity of forty (40) children, in excess of seventy-nine (79), the licensee shall provide a second full-time person on the staff within the regular ratios who meets the qualifications for a head teacher.

(11) Infants: Staff Ratios and Groupings.

- (a) The licensee shall not have infants in groups larger than seven (7).
- (b) The licensee shall have assigned, at all times, one (1) teacher for the first three (3) infants and an additional teacher or teaching assistant for four (4) to seven (7) infants;
- (c) At least one (1) of the persons assigned to a group under 102 CMR 7.06(11) for the care of infants shall meet the requirements under 102 CMR 7.06(1)(b) for a teacher;
- (d) The licensee shall not have groups which mix infants with children two (2) years, nine (9) months or older.

(12) Toddlers: Staff Ratios and Groupings.

- (a) The licensee shall not have toddlers in groups larger than nine (9);
- (b) The licensee shall have assigned, at all times, one (1) teacher for the first four (4) toddlers and an additional teacher or teaching assistant for five (5) to nine (9) toddlers;
- (c) At least one (1) of the persons assigned to a group under 102 CMR 7.06(12) shall meet the qualifications for a teacher under 102 CMR 7.06(1)(b).

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(13) Toddlers: Staff Ratios in Older Age Mixed Groupings. When toddlers are in groups with children aged two (2) years, nine (9) months or older, the licensee shall provide:

- (a) a staff/child ratio not less than one staff person for each five (5) children;
- (b) groups no larger than nine (9) children;
- (c) at least one person assigned to the group, at all times, who meets the qualifications for a teacher under 102 CMR 7.06(1)(b).

(14) Infants and Toddlers: Staff Ratios in Mixed Groupings. When infants and toddlers are grouped together, the licensee shall provide:

- (a) groups no larger than nine (9);
- (b) no more than three (3) infants in the mixed group;
- (c) one (1) teacher shall be assigned for the first three (3) infants and toddlers, and an additional teacher or teaching assistant for four (4) to nine (9) children;
- (d) at least one (1) of the persons assigned under 102 CMR 7.06(14) shall meet the qualifications for a teacher under 102 CMR 7.06(1)(b).

(15) Children at Least Two Years, Nine Months, but Less than Four Years, Nine Months: Staff Ratios and Groupings in Full Day Centers.

- (a) The licensee shall not group children aged at least two (2) years, nine (9) months, but less than four (4) years, nine (9) months of age in groups larger than twenty (20);
- (b) The licensee shall assign one (1) teacher or teaching assistant for each ten (10) or fewer children;
- (c) One (1) of the persons assigned to a group of twenty (20) children, under 102 CMR 7.06(15), shall meet the qualifications of a teacher under 102 CMR 7.06(1)(b).

(16) Children at least Two (2) Years, Nine (9) Months, but Less than Four Years, Nine Months: Staff Ratios and Groupings in Half Day Centers.

- (a) In centers operating four (4) hours or less per day, or in centers where no child (2) attends more than four (4) hours per day, the licensee shall place children two (2) years, nine (9) months, but less than four (4) years, nine (9) months of age, in groups no larger than twenty-four (24) children;
- (b) In centers operating for four (4) hours or less per day, or in centers where no child attends more than four (4) hours per day, the licensee shall assign one teacher or teaching assistant for each twelve (12) or fewer children at least two (2) years, nine (9) months, but less than four (4) years, nine (9) months of age. One (1) of the persons assigned to a group of twenty-four (24) children, under 102 CMR 7.06(16)(a)(b) shall meet the qualifications for a teacher under 102 CMR 7.06(1)(b).

(17) Children At Least Four Years, Nine Months, but Less than Seven Years: Staff Ratios and Groupings.

- (a) The licensee shall not have children, four (4) years, nine (9) months, but less than seven (7) years of age, in groups larger than thirty (30);
- (b) The licensee shall assign one (1) teacher or teaching assistant for each fifteen (15) or fewer children;
- (c) One (1) of the persons assigned to a group of thirty (30) children, under 102 CMR 7.06(17), must meet the qualifications for a teacher under 102 CMR 7.06(1)(b).

(18) Children At Least Two (2) Years, Nine (9) Months, but Less than Seven (7) Years: Staff Ratios and Groupings in Mixed Groups.

- (a) The licensee shall not have children two (2) years, nine (9) months, but less than seven (7) years of age in mixed groups larger than twenty (20);
- (b) The licensee shall assign one (1) teacher or teaching assistant for each ten (10) or fewer children, at least two (2) years, nine (9) months, but less than seven (7) years of age in mixed groups;
- (c) One (1) of the persons assigned to a group of twenty (20) children under 102 CMR 7.06(18) must meet the qualifications for a teacher under 102 CMR 7.06(1)(b).

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(19) Special Needs Children: Staff Ratios and Groupings.

- (a) For children with special needs, the licensee shall meet the specifications of the child's individual program plan for the number of staff and group size in which the child participates as required in 102 CMR 7.07(8).
- (b) When eight or more children who have been identified, either through the core evaluation process under Chapter 766 of the Acts of 1972 or by the licensee, as having special needs are enrolled in the center, the licensee shall have a consulting resource teacher at least half time. This person's responsibilities shall include, but not be limited to, working directly with individual children, training and supervising teachers, coordinating special therapy sessions, working with parents, and preparation of written reports and records for all special needs children. The consulting resource teacher may delegate these responsibilities to other specialists or staff persons.
- (c) When sixteen (16) children who have been identified, either through the core evaluation process under Chapter 766 of the Acts of 1972 or by the licensee, as having special needs are enrolled in the center, the licensee shall have a full-time consulting resource teacher who assumes the same responsibilities as required in 102 CMR 7.06(19)(b).

(20) Determination of Age of Children. The licensee shall determine the age of children, for purposes of staff/child ratios, as the age of the child at the date of admission to the center each year that they are enrolled.

(21) Staff Schedules.

- (a) The licensee shall establish a written schedule listing persons on duty. The schedule shall indicate compliance with the minimum staff ratios required by these regulations.
- (b) The licensee shall keep the schedule current.

(22) Staff to Be Included in Ratios.

- (a) For purposes of calculating staff/child ratios under these regulations, staff shall include only those persons hired or assigned to supervise or teach children for specific hours of the day.
- (b) In no case shall the licensee assign paid or volunteer staff persons under the age of sixteen (16) to meet required staff/child ratios.
- (c) The licensee shall not assign teaching assistants, student interns or parents, who do not meet the qualifications for a teacher, to a group which does not also have a teacher assigned.
- (d) Student interns and volunteers, other than parents of children in the center, shall not be included in staff/child ratios unless they are assigned to the center for at least three (3) consecutive months.

(23) Supervision. The licensee shall exercise supervision for the children in care that adequately assures their health and safety.

- (a) There shall be two adults trained in the center's health care and emergency procedures as specified in 102 CMR 7.07(14) on the premises at all times except as provided in 102 CMR 7.06(24)(b).
- (b) The licensee shall, at no time, leave children unsupervised.

(24) Supervision at the Beginning and End of the Day. Notwithstanding the staff/child ratios required by these regulations, the licensee may meet the following ratios at the beginning and end of the day, for no more than one (1) hour at a time:

- (a) two (2) adults, one (1) of whom shall meet teacher qualifications, shall be on the premises performing teaching duties at all times when there are seven (7) or more children present;
- (b) one (1) adult who meets teacher qualifications and is trained in accordance with 102 CMR 7.07(14) and 7.07(16) shall be in the center performing teaching duties when there are six (6) or fewer children present, provided that no more than two (2) of the children are under two (2) years and nine (9) months of age and that a neighbor or other adult is available, promptly, for emergencies. The licensee shall post the name, location and telephone number of the person available in emergencies.
- (c) The groupings required by 102 CMR 7.06(11) through 7.06(18) shall

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remain in effect during the beginning and end of the day except as allowed by 7.06(24)(b) when no more than two (2) children under two (2) years and nine (9) months of age present.

7.07: Program Services and Procedures

ADMISSIONS

(1) Authority to Admit. The licensee shall admit children, children with special needs, and infants or toddlers only if licensed or approved to do so. Upon request, the Office may amend an existing license issued under these standards to allow admissions of special needs children or infants and/or toddlers, providing that the licensee demonstrates that he can meet applicable standards.

(2) Admissions Age Restrictions. The licensee shall not admit a child under one (1) month of age.

(3) Center Size. The licensee shall not admit or enroll, at any one time, more children than the licensed capacity of the center.

(4) Required Medical Examinations. The licensee shall admit a child only if provided with a written statement from a physician which indicates that the child has had a complete physical examination within one year prior to each year's enrollment, or obtains one within one month of admission, and the results of such an examination; or obtains a written verification from the child's parent(s) that they object to such an examination on the grounds that it conflicts with their religious beliefs.

The licensee shall inform parents of the dangers of lead paint poisoning and shall recommend that parents have their children tested for lead paint poisoning by a physician or appropriate clinic.

The licensee of a center operating on a provisional license due to the detection of lead paint in the center shall assure that each child has a blood test for lead paint poisoning by a physician or appropriate clinic or obtain written verification from the child's parent(s) that they object to such a test on the grounds that it conflicts with their religious beliefs or a physician's statement that such a procedure is counter-indicated.

(5) Age Appropriate Immunizations. The licensee shall require, at admission, a physician's certificate that each child has been successfully immunized in accordance with the current Department of Public Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and such other communicable diseases as may be specified from time to time by the Office. No child shall be required, under this regulation, to have any such immunization if his parent(s) objects thereto, in writing, on the grounds that it conflicts with their religious beliefs or if the child's physician submits documentation that such a procedure is contraindicated.

(6) Meeting with Parents. The licensee shall assure that the administrator or his designee shall meet with the parent(s) prior to admitting a child to the center.

(a) At the meeting, the licensee shall provide to the parent(s) the center's written statements of purpose, services, procedures for parent conferences, visits and input to center policy; procedures relating to children's records; and procedures for providing emergency health care.

(b) The licensee shall provide the opportunity for the parent(s) to visit the center's classrooms at the time of the meeting or prior to the enrollment of the child.

(7) Identification of Children with Special Needs and Development of an Individual Program Plan. Where the results of the meeting conducted pursuant to 102 CMR 7.07(6) and the observation of the child's behavior in the center indicate a reasonable likelihood that a child has a special need, the licensee shall:

(a) if the child is at least three (3) years of age, inform the parent(s) of

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his/her rights under Chapter 766 of the Acts of 1972 and its regulations, and at the request of the child's parent(s), refer the child to the appropriate administrator of special education.

(b) if a child is under three years of age or has not been evaluated pursuant to the provisions of Chapter 766 of the Acts of 1972 and its regulations, evaluate with the consent of the parent(s) the needs of said child and develop an individual program plan based on the evaluation. Such program plan shall be developed by a team which includes those personnel of the center who will be responsible for implementing the program plan on a daily basis; the consulting resource teacher, as required in 102 CMR 7.06(1)(d) and 7.06(19); the child's parent(s) and, where appropriate, any necessary consultant(s).

1. The plan shall be developed within four (4) weeks of admission of the child to the center or within four (4) weeks of the identification of the child as having special needs. The plan shall be signed by the consulting resource teacher and the parent(s) prior to implementation. If the parent does not approve its implementation, such disapproval will be signed by the parent and placed in the child's record.

2. The plan shall be reviewed by the team at least every ninety (90) days. The review shall include, minimally, an observation of and/or individual session with the child by the consulting resource teacher. If the parent is unable to meet with the team for the review, the opportunity must be given to the parent for a separate conference with the consulting resource teacher.

3. The licensee shall, with parental permission, inform the appropriate administrator of special education, in writing, that the licensee is serving a special needs child in order that the school may plan for an appropriate program for the child when he reaches regular school age.

(8) Content of Individual Plan. The individual program plan required under 102 CMR 7.07(7) shall be in writing. The plan shall identify the specific service(s) required to meet the needs of the child and any change or limitations in his participation in regular center activities. Specific service(s), where appropriate, shall include, but not be limited to:

- (a) physical therapy;
- (b) speech and language therapy;
- (c) psychological services;
- (d) psychiatric services;
- (e) educational services;
- (f) social services
- (g) occupational therapy

The plan shall describe the method by which the above services will be provided, including:

- (a) who will provide the service;
- (b) where the service will be provided;
- (c) schedule for provision of the services;
- (d) any special equipment, materials, ramps or aids required by the child.

In addition, the plan shall recommend the size of group to which the child may be assigned and the appropriate staff/child ratio required for such group.

(9) Parent Authorization, Consents, Information. The licensee shall, in admitting a child, require the parent to provide the following authorizations, consents and information which shall be made part of the children's record:

- (a) the child's daily schedule, developmental history, sleeping and play habits, favorite toys, accustomed mode of reassurance and comfort;
- (b) procedures for toilet training of the child, if appropriate;
- (c) where appropriate, the child's eating schedule and eating preferences, including information on special diets and/or allergies; and for infants, a description of formula preparation;
- (d) information on where to reach the parent and an alternative nearest relative or friend in case of an emergency as well as the child's physician or clinic, if any;
- (e) parental consents for emergency first aid, and any field trips and transportation to a specific hospital in emergencies;

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(f) identity of any person authorized by the parent to take the child from the center or receive the child at the termination of the day and a copy of the written parental authorization.

(10) Validity of Consents. A written consent provided under 102 CMR 7.07(9) shall be valid for one year from the date of its execution unless such consent is withdrawn, in writing, prior to that time.

GENERAL PROGRAM REQUIREMENTS

(11) Required Plan. The licensee shall establish a written plan describing the various activities of the center for a typical week which shall be posted in a place which can be easily viewed by staff and visitors. Such plan shall indicate time for the following activities, for all children, infants and/or toddlers:

- (a) snacks and meals;
- (b) rest, sleep or quiet activity;
- (c) toileting;
- (d) outdoor play;
- (e) indoor activities;
- (f) field trips, if any;
- (g) time in and out of the crib for infants, individual feeding, sleeping and washing schedules.

(12) Requirements for Activities. The licensee shall provide a well balanced program that supports the developmental needs of all children served. The licensee shall provide the following:

- (a) reasonable regularity in routine, with sufficient flexibility to respond to the needs of individual children;
- (b) opportunity for a child to have a free choice among a variety of activities or to play alone or with one or several chosen peers if desired for at least two periods a day, for full day centers; and one period a day, for half day centers;
- (c) daily indoor and outdoor time periods, weather permitting, which include both small and large muscle activities;
- (d) opportunities for the child to participate in a variety of creative activities, such as art, music, literature, dramatic play and science;
- (e) provision for privacy through arranging a small, quiet area that is inviting to children and is easily accessible to the child who seeks or needs time alone;
- (f) experiences which are in harmony with the life style and cultural background of the children enrolled. Cultural diversity shall be reflected through the incorporation of different language, foods, celebrations, activities and life styles where appropriate;
- (g) opportunity for infants and toddlers to crawl freely for the major part of the day, with certain times specified for individual talking to, handling, and playing with by the assigned teacher.
- (h) opportunities for all children to learn self-help skills such as dressing and undressing, buttoning, tying shoes and using eating utensils appropriately.

(13) Prohibition of General Housekeeping Activities. Routine, major house-keeping activities such as vacuuming, washing floors, windows, etc. shall not be carried on in any room while it is occupied by the children.

HEALTH CARE POLICY AND PROCEDURES

(14) Health Care Policy. The licensee shall have a written health care policy statement which is provided to each staff member and is posted near a telephone which will be used for making emergency calls. The health care policy shall be approved by the health care consultant, required under 102 CMR 7.07(15). The statement shall include:

- (a) the name, address and telephone number of the physician or registered nurse available for emergencies and consultation;
- (b) the telephone number of the fire department, police station, poison prevention center, and ambulance service serving the center;

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- (c) the name and telephone number of any hospital where children will be taken in emergencies;
 - (d) the procedures to be followed in case of illness or emergency, including transportation methods and notification of parent;
 - (e) the procedures to be followed in case of illness or emergency, when parent(s) cannot be reached;
 - (f) the procedures for using first aid equipment;
 - (g) the procedures to be followed in the event of fire or other emergency, including provision that cribs utilized for children are of a size to fit through exit doors to the outside;
 - (h) a plan for dispensing medication, including the recording of any administration of prescribed medication;
 - (i) a plan for the care of mildly ill children at the center;
 - (j) the procedure for identifying children's allergies and protecting children from exposure to foods, chemicals or other materials to which they are allergic;
 - (k) the procedure for reporting suspected child abuse or neglect to the Department of Public Welfare.
- (15) Health Care Consultant. The licensee shall have either a physician, a public health nurse, a registered nurse, or health clinic director who shall approve and aid in developing health care policies for the center, shall approve the plan for first-aid training of staff, and shall be available for consultations.
- (16) First Aid and Preventative Health Care Procedures.
- (a) The licensee shall train all staff in approved emergency first aid procedures, including mouth to mouth resuscitation, treatment of convulsions, and choking.
 - (b) The licensee shall maintain adequate first aid supplies, including, but not limited to, bandaids, gauze, adhesive tape, hydrogen peroxide or other cleaning solution and an antiseptic cream, liquid or spray. The licensee shall store them in a secure place, out of the reach of children.
 - (c) The licensee shall inform parents of any first aid administered to their child and shall immediately inform them of any injury or illness which required care other than first aid.
 - (d) The licensee shall maintain a quiet area for mildly ill children.
 - (e) The licensee shall not admit a child or staff member to the center who has a diagnosed communicable disease, during that time when it is communicable, and shall notify all parents when any communicable disease, such as measles or mumps, has been introduced into the center.
 - (f) The licensee shall keep all toxic substances, medications, sharp objects and matches in a secure place out of the reach of the children.
- (17) Administration of Medication. The licensee shall not administer prescription or non-prescription medication to a child without the written order of a physician (which may include the label on the medication) which indicates the medication is for the specific child.
- (a) No medication, whether prescription or non-prescription, shall be administered to a child without written parental authorization.
 - (b) The licensee shall keep a written record of the administration of prescribed medication to children which includes the time and date of each administration, the name of the staff member administering the medication, and the name of the child.
 - (c) The licensee shall keep all medicine labelled with the child's name, the name of the drug and the directions for its administration and shall dispose of, or return to the parent(s), any unused medication.
- (18) Examinations for Children. The licensee shall request that the parent(s) provide a dental check-up or check of vision and hearing when the appearance or behavior of the child clearly indicates the need for such examinations.
- (19) Medical Examination for Staff. The licensee shall require, before employment of any paid staff member, that the staff member present evidence of a negative tubercular test or x-ray performed within three months prior to

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the date of initiation of employment and written certification from a physician that the staff member is free from communicable disease and indicating any limitations the staff member may have in working with young children due to health problems. The tubercular test or x-ray must be repeated every three years and certification provided to the center by the staff member of a negative result. Such an examination shall not be required of any person who objects on the basis of religious beliefs.

TOILETING AND DIAPERING

(20) Written Plan for Toileting and Diapering. The licensee shall have a written plan describing procedures for regular toileting and diapering of children, and for disposal or cleaning of soiled clothing, diapers, linen and blankets.

(21) Toileting. The licensee shall toilet train children in accordance with the requests of their parents and consistent with the child's physical and emotional abilities.

(22) Diapering. The licensee shall change the diapers of children regularly and when soiled or wet and shall wash and dry each child with individual washing materials during each diaper change.

- (a) The licensee shall maintain a supply of clean, dry diapers adequate to meet the needs of the children.
- (b) The licensee shall use a disposable covering on the changing surface which shall be changed after each use.

CLOTHING

(23) Extra Clothing; Changing of Soiled or Wet Clothing. The licensee shall keep on hand extra clean and dry indoor and outdoor clothing to change a child's clothing which becomes soiled or wet.

(24) Storage of Soiled or Wet Clothing. The licensee shall store soiled clothing or diapers which are a potential health hazard in a covered, water-proof container unless they can be sanitized immediately after removal from the child.

DISCIPLINE

(25) Requirements for Discipline. Discipline and guidance shall be consistent and based on an understanding of the individual needs and development of a child. The licensee shall direct discipline to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it.

(a) Prohibitions:

- 1. Corporal punishment shall not be used, including spanking.
- 2. No child shall be subjected to cruel or severe punishment, humiliation, or verbal abuse.
- 3. No child shall be denied food as a form of punishment.
- 4. No child shall be punished for soiling, wetting or not using the toilet.

(b) The licensee shall describe, in writing, the center's procedures for disciplining children. The written plan shall also include the prohibitions of 102 CMR 7.07(25)(a)1. through 4.

(c) The written plan for discipline must be posted conspicuously in an area frequented by center staff and visitors. The plan shall be provided to parents at the admissions interview required by 102 CMR 7.07(6) and to each staff member at the time of employment.

7.08: Food and Food Preparation

(1) Written Menus. The licensee shall prepare written menus for each week and shall maintain copies of menu plans for typical weeks if the licensee provides meals. The licensee shall post menus weekly and keep previous menus on file.

CHILDREN AND YOUTH

(2) Meal Schedules. The licensee shall provide regular, nutritional mid-morning or mid-afternoon snacks for children in care for less than four (4) hours, and shall regularly schedule meals, in addition to snacks, for children in care four (4) hours or longer.

(3) Requirements When Parents Send Meals. The licensee shall provide to parents, in writing, a list of nutritious items which should go into a bag lunch when parents are required to provide meals. The licensee shall have a method for providing a nutritious meal, in accordance with 102 CMR 7.08(4), to a child whose parents fail to send a bag lunch.

(4) Nutritional Requirements. The licensee shall provide for the nutritional needs of children in accordance with the "Food and Nutrition Board, National Academy of Sciences National Research Council, Recommended Dietary Allowances" when the licensee provides meals as follows:

- (a) for children in care between four (4) and nine (9) hours, one-third (1/3) to one-half (1/2) of their nutritional needs in one (1) regular meal (other than breakfast) and one (1) or more snacks;
- (b) for children in care more than nine (9) hours, two-thirds (2/3) of their nutritional needs in two (2) meals and two (2) or more snacks.

(5) Requirements for Infants and Toddlers. Infants and toddlers shall be fed according to their individual feeding schedules or needs.

- (a) When not mature enough to sit in an eating table or high chair, infants shall be held while fed.
- (b) When not mature enough to sit at a table, infants and toddlers shall be fed in high chairs or eating tables.
- (c) The licensee shall prepare formulas at the center according to the written plan of each child's parent(s), or if there is no plan, they shall use prepared, pre-sterilized formulas.

(6) Special Diets. The licensee shall follow parental or physician's orders in preparation or feeding of special diets to children and shall follow the directions of the parents in regard to any food allergies of a child or where vitamin supplements are required.

(7) Designated Person. The licensee shall designate one (1) person to be responsible for the food program of the center.

(8) Requirements for Food Preparation and Service. The licensee shall store, prepare and serve all food and beverages in a manner as to be clean, wholesome, free from spoilage and safe for human consumption.

- (a) The licensee shall provide refrigeration and storage for food at not less than thirty-two (32) degrees Fahrenheit, or more than forty-five (45) degrees Fahrenheit for food requiring refrigeration.
- (b) The licensee shall store all food in clean, covered containers.
- (c) The licensee shall properly wash and sanitize all bottles, utensils and dishes.
- (d) The licensee shall dispose of milk, formula or food unfinished by a child.
- (e) The licensee shall prepare tasteful meals and in a manner which makes them appetizing.

(9) Requirements for Feeding of Children. The licensee shall allow children to eat at a reasonable, leisurely rate and shall insure that each child receives an adequate amount and variety of food.

- (a) No child shall be denied a meal for any reason other than written medical direction.
- (b) The licensee shall encourage children to eat a well balanced diet, but no child shall be forced or otherwise coerced to eat against his will.

KITCHEN FACILITIES

(10) Required Barrier to Kitchen. The licensee shall provide a barrier, such as a door or gate, which prevents children's access to the kitchen while unsupervised.

continued

(11) Required Maintenance. The kitchen shall be maintained in a sanitary condition and garbage receptacles used in the kitchen shall be emptied and cleaned daily.

DINING FACILITIES AND EQUIPMENT

(12) Dining Room or Areas. The licensee shall maintain dining rooms or areas which are sufficiently large to accommodate tables and seats for persons eating in an uncrowded manner, and shall be clean, well lighted and ventilated.

(13) Dining Furniture. The licensee shall provide tables and seats for use by children while dining which are of a type, size and design appropriate to the ages and needs of the children. When feeding tables or high chairs are used, they shall be designed to prevent children from falling or slipping.

(14) Dining Utensils. The licensee shall provide eating and drinking utensils which are appropriate to the age and needs of the children.

- (a) Eating and drinking utensils shall be free from defects, cracks and chips.
- (b) Disposable cups and plates may be used, but if plastic silverware is used, it shall be heavy duty and dishwasher proof.
- (c) All reusable eating and drinking utensils shall be thoroughly washed and sanitized before reuse.

(15) Drinking Water and Cups. The licensee shall provide a source of sanitary drinking water located in or convenient to rooms occupied by children. When non-disposable cups are used for drinking water, they shall be washed and sanitized after each use.

7.09: Sleep, Rest and Quiet Activity

(1) Rest or Quiet Activity Period. The licensee shall provide for a mid-session rest or quiet activity period in a program where children are in care for less than four hours. The length of the rest or quiet activity period shall be appropriate to the needs of the children.

(2) Extended Rest, Quiet Activity or Sleep Period. The licensee shall, in addition to the mid-session rest or quiet activity period, provide for extended rest, quiet activity or sleep to children in care for longer than four hours. The length of this period shall be appropriate to the needs of the children, but in no case shall it be less than forty-five (45) minutes. Children shall be allowed the amount of rest, quiet activity or sleep needed.

(3) Requirement for Extended Rest or Sleep Periods. The licensee shall provide the following during rest or sleep periods:

- (a) an area which is designed to minimize noise and disturbance;
- (b) a separate mat, cot or bed, and blanket for each child;
- (c) a crib for each infant under twelve months of age;
- (d) no use of restraints on children while sleeping, but use of hospital crib nets is permitted;
- (e) cots, mats, blankets and sheets utilized must be individually marked and in good repair and clean;
- (f) pillows shall not be given to infants.

(4) Space and Sleeping or Rest Area. The licensee shall arrange a sleeping or rest area which is large enough to maintain a minimum of two feet between each crib, bed, cot or mat on all sides except where in contact with a wall or partition. The licensee shall arrange the sleeping area in such a way that children are easily accessible during an emergency.

7.10 Referral Services and Termination

(1) Written Plan. The licensee shall have a written plan describing procedures for referring parents to appropriate social, mental health and medical services for their child should the center staff feel that such additional services would benefit the child.

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(2) Record of Referrals. The licensee shall maintain a written record of any such referral and the results.

(3) Termination. When any child is terminated from the center, initiated by the center or the parent(s), the licensee shall prepare the child for termination from the center in a manner consistent with the child's ability to understand; and shall provide information and referrals for other services to the parents upon the request of parents. The licensee shall inform parents of the availability of information and referral should the parent wish to request it.

7.11: Physical Facility and Equipment

(1) Safety Inspection. The licensee shall have a certificate of inspection from The Department of Public Safety or the Local building inspector.

(2) Health Inspection. The licensee shall provide evidence of inspection from the local health department and compliance with Article X of the State Sanitary Code (102 CMR 595.000), if the center provides hot meals for thirteen (13) or more children.

The licensee shall provide evidence that any private well or water source has been inspected and approved by the local board of health, health department, or private laboratory.

(3) Lead Paint Requirement and Lead Paint Inspection. The licensee shall assure that paint used in the center is lead free.

(a) The licensee shall obtain a lead paint inspection from the local board of health, or the State Department of Health, or private lead paint detection service. If lead is found to be present, the licensee shall totally remove or otherwise make inaccessible all paint or plaster containing lead on any chewable surface, four feet from the bottom of interior or exterior surfaces. Such chewable surfaces include, but are not limited to, window sills; windows, including moldings; door frames; doors; stair rail spindles; stair treads from the lip to the riser on bottom and four inches back from the lip on the top of the tread; and porch railings.

(b) The licensee shall, in addition, remove and adequately cover any chipping, flaking or otherwise loose paint or plaster found to contain lead.

SPACE AND GENERAL REQUIREMENTS FOR PHYSICAL FACILITY

(4) Indoor Space. The licensee shall have a minimum of thirty-five (35) square feet of activity space per child, exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, kitchens, closets, offices or areas regularly used for other purposes and shall meet the following requirements:

(a) Floors of rooms used by children shall be clean, unslippery, smooth and free from cracks, splinters and sharp or protruding objects and other safety hazards; and those floors in direct contact with the ground shall have flooring impenetrable to water;

(b) Ceilings and walls shall be maintained in good repair, and shall be clean and free from sharp or protruding objects and other safety hazards;

(c) All steam and hot water pipes and radiators shall be protected by permanent screens, guards, insulations or any other suitable device which prevents children from coming in contact with them;

(d) All electrical outlets which are within the reach of children shall be covered with a safety device when not in use;

(e) Room temperature in rooms occupied by children shall be maintained at not less than sixty-five (65) degrees Fahrenheit at zero degrees Fahrenheit outside; and at not more than the outside temperature when the outside temperature is above eighty (80) degrees Fahrenheit (measured at two feet from the outside walls and twenty inches above floor level);

(f) There shall be designated space, separate from children's play or rest areas, for administrative duties and staff or parent(s) conferences;

(g) There shall be sufficient space, accessible to children, for each child to store clothing and other personal items.

(1) continued

(b) The interior of the building shall be clean and maintained free from rodents and/or insects. Safe and effective means of eliminating insects and/or rodents shall be provided. All extensive extermination shall be carried out by a licensed exterminator.

(i) The licensee shall provide suitable guards across the inside of windows above the first floor if the windows are accessible to children and across the outside of basement windows abutting outdoor play areas. Guards shall be placed at the top and bottom of stair wells opening into areas used by children.

(5) Special Requirements for Infants. The licensee shall not care for infants above the first floor. Areas where infants are cared for shall be accessible to ground level for purposes of evacuation.

(6) Outdoor Space. The licensee shall maintain, or have access to, an outdoor play area of at least seventy-five square feet per child using it at any one time. The average width of such a play area shall not be less than eight feet and shall conform to the following requirements:

- (a) some part of the outdoor play area shall be accessible to direct sunlight;
- (b) It shall be free from hazards (i.e., hidden corners, unprotected pools, wells, cesspools and steps), poisonous plants, (i.e., poison oak or ivy), and dangerous machinery or tools;
- (c) It shall be fenced with a non-climbable barrier at least four (4) feet high if any part of the area is adjacent to a highway, on a roof, a porch, or other dangerous area;
- (d) It shall not be covered with a dangerously harsh or abrasive material and the ground area under swings, slides, jungle gyms, seesaws, etc. shall not be paved or shall be covered by mats.

(7) Toilets and Washbasins. The licensee shall maintain one toilet and washbasin for every twenty (20) children in one or more well ventilated bathrooms.

- (a) When adult toilets and wash basins are used, the licensee shall provide non-tippable stairs to permit access by those children who are able to use them.
- (b) In addition to toilets, portable "potty chairs" may be utilized in the bathroom or separate room for children unable to use toilets.
- (c) If cloth diapers are used, a flush sink or toilet for rinsing diapers and a hand washing facility must be provided convenient to the diaper changing area.
- (d) Special handrails or other aids shall be provided if required by special needs children.

(8) Water Temperature. The licensee shall provide both hot and cold running water in wash basins and for water used by children. There shall be a temperature control to maintain a hot water temperature at no more than one hundred twenty (120) degrees Fahrenheit.

TRANSPORTATION

(9) Written Plan for Transportation. The licensee shall describe, in writing, any plans for transportation of children, including the names of persons authorized to transport children and transportation of children in an emergency.

(10) Vehicle and Driver Requirements.

(a) The licensee shall provide that any vehicle used for transportation of more than eight children, at any one time, and the driver thereof shall conform to Massachusetts school bus requirements as contained in the pertinent sections of M.G.L., c. 90 of the General Laws and the "Rules and Regulations Establishing Minimum Standards for Construction and Equipment of School Buses." Registry of Motor Vehicles. (540 CMR 2.17).

(b) The licensee shall provide that any vehicle used for the transportation of eight children, at any one time, and the drivers thereof, shall conform to Massachusetts school bus requirements as contained in M.G.L., c. 90, s. 7D.

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(c) The licensee shall provide that station wagons, sedans, vans or other private or hired vehicles used for transporting eight or fewer persons, exclusive of the driver, shall be registered in accordance with the laws of the Commonwealth if transportation thereby is paid for directly or indirectly by parents, guardians or custodians of the children, and shall conform to the requirements for school bus signs as contained in Section M.G.L. c. 90, 7(B)(j).

(d) The operator of any vehicle transporting children shall be licensed in accordance with the laws of the state, and any vehicle used for transportation of children shall be bi-annually inspected in accordance with the laws of the state.

(11) Insurance. The licensee shall use no center-owned or staff member's vehicle to transport children unless it has the following minimum amounts of liability insurance:

- (a) injury per person, \$100,000;
- (b) injury per accident, \$300,000;
- (c) property damage, \$5,000.

(12) Transportation Safety. The licensee shall not allow the number of children riding in a center-owned, staff member's vehicle or hired vehicle for a center related activity, to exceed the number of seats therein at any time. The driver shall not drive vehicles unless all children are seated.

(a) Suitable safety carriers, restraints or seat belts shall be provided for and utilized by each child, driver and attendant. All car restraints shall meet the 1975 Standards of Physicians for Automotive Safety or Consumer Union guidelines and shall be crash tested and child approved.

(b) When more than nine children are being transported, an attendant other than the driver is required.

(c) When transporting children, sharp, heavy or potentially dangerous objects shall not be transported, or shall be securely restrained.

(d) The licensee shall ascertain the nature of any need or problem of a child which may cause difficulty during transporting such as seizures, a tendency towards motion sickness and disabilities and shall communicate such information to the operator of any vehicle transporting children.

(e) Children shall be released by the driver of the vehicle only to designated persons authorized by the children's parent(s) to receive such children.

(f) Children shall not be regularly transported for periods longer than forty-five (45) minutes one way between their home and the location of the center.

EQUIPMENT

(13) Varieties of Equipment. The licensee shall have sufficient play materials, equipment and furnishings for the children enrolled at any one time. The licensee shall provide an adequate variety of play materials and equipment which shall be representative of each category listed below:

- (a) art supplies: paint (tempera, poster, finger), easel, crayons, blunt scissors, paste, clay, and collage materials;
- (b) blocks and accessories: large and small blocks, boats, cars, planes, trains, figures of people, and animals of various sizes;
- (c) books and posters: picture and story books, flannel boards;
- (d) dramatic play area: beds, dolls, telephones, toy stoves, sink, refrigerator, cabinets, table, chairs, dishes, pots, pans, ironing board, iron, cleaning equipment, broom, dress-up clothes (both men's and women's), large mirror placed at child's level, puppets, and materials for costumes;
- (e) large muscle equipment: boxes, boards, saw horses, barrels, climbers, ladders, workbench, sand, water, wheel toys, swings, slides, balls;
- (f) manipulative toys: pegs, beads, lotto, puzzles, pounding boards, small building sets;
- (g) musical equipment: piano, records, and record player, drums, cymbals, bells, rhythm sticks;
- (h) science materials: aquarium with fish, non-poisonous seeds and flower pots, growing plants, gardening tools, dry batteries, magnets, compass,

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thermometer, rope and pulleys, magnifying glass;

(i) for centers accepting infants, the licensee shall provide materials such as rattles, stuffed animals, mobiles and crib decorations.

(14) Requirements for Equipment. The licensee shall only use equipment, materials, furnishings, toys, and games which are appropriate to the needs and developmental level of the child. They must be sturdy, safely constructed, flame retardant, easily cleaned, and free from lead paint, protruding nails, rust, and other hazards which may be dangerous to children.

(a) The licensee shall not use any item in the center which is listed on the "Banned Products List" published by the United States Consumer Product Safety Commission.

(b) The licensee shall keep all equipment, materials, furnishings, toys, and games clean and in a safe, workable condition.

(c) Some materials and equipment shall be visible and readily accessible to the children in care and shall be arranged so that children may select, remove and replace the materials either independently or with minimum assistance.

(d) The licensee shall provide equipment which reflects the racial and ethnic composition of the children enrolled.

(15) Telephone Requirements. The licensee shall provide one non-coin operated telephone on the premises of the center for center use.

(16) Fire Drills. The licensee shall hold fire drills in accordance with procedures required in 102 CMR 7.07(14)(g) at least twice per year.

(17) Smoking in Classrooms. The licensee shall not permit smoking in classrooms during hours that children are in attendance.

7.12: Appendix 1 - Advisory Task Force

INTRODUCTION

(1) These standards are adopted in accordance with M.G.L., c. 28A, particularly sections nine through thirteen thereof, and in accordance with Section 13 of Chapter 785 of the Acts of 1972. Chapter 785, which created the Office for Children, stresses the commitment of state government to assuring every child "a fair and full opportunity to reach his full potential." In fulfilling its mandate as the agency responsible for licensing day care centers, the Office has developed specific regulations to be met by day care centers in order to provide this opportunity to the children they serve.

(2) The scope of these standards goes beyond previous regulations in that they include specific provisions for care of infants and toddlers and special needs children up to age sixteen (16), as well as the general provisions for all children aged two and a half through seven in day care centers. The regulations reflect the belief that every aspect of a day care center's operation affects the children enrolled. The physical environment; administrative functioning; staff qualifications and numbers; procedures for health care, rest, meals, toileting and varied activities; and types of equipment available all contribute to the day care experience of a child and should maintain a minimum quality level which promotes healthy growth and development of children.

(3) The standards provide that all day care centers accepting infants and toddlers, children aged two and a half (2 1/2) through seven (7) and/or special needs children up to age sixteen (16), are:

- (a) soundly administered by qualified persons designated specific administrative and program responsibilities;
- (b) staffed by appropriate numbers of persons with experience and/or education in the field of early childhood education;
- (c) providing a well-rounded variety of age-appropriate activities, toys, and equipment for children on a regular basis;
- (d) able to meet the emergency health needs of the children;

(e) continued

- (e) able to provide for the basic physical care of children, including adequate nutritional meals and snacks, rest or sleep, and toileting procedures;
 - (f) able to appropriately involve parents of children in day care in visiting the center, meeting with the staff and receiving reports of their children's progress;
 - (g) located in physical facilities which meet fire safety requirements, are clean, comfortable, and free from hazards such as lead-based paint.
- (4) These standards were developed by an Advisory Task Force of over fifty parents; center owners, administrators and staff; professionals in nutrition, health care and early childhood education; and representatives of public agencies involved in day care development. The Office for Children gratefully acknowledges the valuable contributions and work of the Group Day Care Task Force under the leadership of the Chairperson, Dr. Richard Rowe of the Children's Lobby.

The other members of the Task Force included:

- Phyllis Abell - Department of Mental Health
 Mort Alpert - Department of Public Welfare
 James Antonucci - Project Coordinator, Office for Children Special
 Needs Day Care Project
 Phyllis Baumann - Office for Children, General Counsel
 Jeannette Bauza - The Country School
 Roy Bellush - Boston Area Day Care Workers' Union
 Pat Berry - Massachusetts Association of Day Care Administrators
 Beverly Bourne - Head Start, Cape Area
 Arlene Brodsky - Parent, Brockton, Massachusetts
 Tina Burrell - Office of Child Development, HEW
 Ethel Chesnul - Southeast Association for the Education of Young
 Children
 Meg Cline - Educational Development Corporation
 Louise Corbin - Assistant Director, Office for Children Day Care
 Consultation and Licensing Unit
 Marie Crockett - Parent, Melrose, Massachusetts
 Sophie Dermatis - Early Childhood Educator, Office for Children
 Day Care Consultation and Licensing Unit
 Claire Derry - Department of Public Health
 Cindy DiRico - Holyoke-Chicopee Council for Children
 Barbara Dowd - Haverhill-Newburyport Council for Children
 Bernice Factor - Early Childhood Education Specialist, Office for
 Children Day Care Consultation and Licensing Unit
 Sybil Goldberg - Greater Worcester Council for Children
 Sue Halloran - Massachusetts State Day Care Advisory Committee,
 Licensing Sub-Committee
 Judy Hawker - Boston Area 5 Council for Children
 Sheila Hellman - Franklin-Hampshire Council for Children
 Carrie Hemenway - Franklin-Hampshire Council for Children
 Jill Herold - Massachusetts State Day Care Advisory Committee
 Sibley Higginbotham - Massachusetts State Day Care Advisory
 Committee
 Fran Jacobs - Office for Children Day Care Consultation and
 Licensing Unit
 Pat Jewett - Day Care and Child Development Council of America
 Charles Johnson - Early Childhood Educator, Office for Children Day
 Care Consultation and Licensing Unit
 Ahbey Kendrick - South Shore Day Care
 Eleanore Lewis - Lexington Nursery and Kindergarten School
 Phyllis Lucas - Greater Worcester Council for Children
 Mike Marsh - Harvard Cooperative Day Care Center
 Blanche Martin - Department of Education
 Kathleen McCann - Fall River Council for Children
 Lucy Mitchell - Member, 1962 Regulations Task Force

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Gwen Morgan - Day Care and Child Development Council of America
 Irina Napoleon - Assistant Director, Office for Children Day Care
 Consultation and Licensing Unit
 Fran Olson - Boston Association for the Education of Young Children
 Cheryl Piatelli - Evaluator, Office for Children Special Needs Day
 Care Project
 Andrea Piriano - Boston Model Cities
 Merrill Plunkett - Assistant Coordinator, Office for Children Day Care
 Consultation and Licensing Unit
 Bonnie Power - Franklin-Hampshire Council for Children
 Barbara Reisman - Parent, Brockton, Massachusetts
 Dr. Robert Ritchie - Pediatrician, Cambridge Massachusetts
 Roberta Rizzo - Jamaica Plain Neighborhood House
 Margaret Sand - Cambridge Council for Children
 Rose Shapiro - Tufts University
 Stan Spack - Building Specialist, Office for Children Day Care
 Consultation and Licensing Unit
 Carole Upshur - Special Assistant to the Director, Office for Children
 William Warren - Director, Office for Children Day Care Consultation
 and Licensing Unit
 Louise Watts - Department of Education, Bureau of Nutrition
 Robert Weber - Office for Children, Legal Staff
 John Welsh - Massachusetts Federation for Child Care
 Donna White - Marlboro Council for Children
 Frederick Wrightson - Massachusetts Association of Child Development
 and Education
 James Wynn - Boston Area 5 Council for Children
 Rudy Zulkiewicz - South Central Council for Children

The Office for Children also gratefully acknowledges the valuable contributions and work of the Special Needs Task Force under the leadership of the Chairperson, Larry Kotin, Esquire, of the Center for Public Interest Law and Chairpersons, Maxine Rubin of United Cerebral Palsy of Metropolitan Boston, and Dr. Samuel Meisels of the Eliot-Pearson School of Child Study, Tufts University.

The other members of the Task Force included:

Phyllis Abell - Department of Mental Health
 Barbara Abrahams - Department of Public Health
 Mort Alpert - Department of Public Welfare
 James Antonucci - Project Coordinator, Office for Children Special
 Needs Day Care Project
 Charles Beaupre, Jr. - Department of Public Safety
 Toni Blanken - Massachusetts Rehabilitation Commission
 Beverly Bourne - Head Start, Cape Area
 Antoinette Chapman - Parent, Watertown, Massachusetts
 Arthur Ciampa - Cerebral Palsy of the South Shore
 Dr. Allen C. Crocker - Children's Hospital
 Dr. Bruce Cushna - Children's Hospital
 Noelle Davis - Office of Child Development
 Claire Derry - Department of Public Health
 John Ferguson - Commission for the Blind
 Cynthia Gilles - Department of Education, Division of
 Special Education
 Mary Gulick - Dimock Street Preschool
 Carolynn Hamlet - Department of Education, Division of Special
 Education
 Carol Hokans - Parent, Concord, Massachusetts
 Leslie Johnson - Parent, Roxbury, Massachusetts
 Kay Kelley - Department of Mental Health
 Mary King - FACE Day Care Center
 Cynthia Kline - Administrative Assistant, Office for Children Special
 Needs Day Care Project

102 CMR 11.00: STANDARDS FOR THE LICENSURE OR APPROVAL OF SCHOOL AGE CHILD CARE PROGRAMS

Section

- 11.01: Introduction
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11.01: Introduction

These regulations are adopted in accordance with M.G.L. c. 28A which stresses the commitment of state government to assure every child a fair and full opportunity to reach his or her full potential. The Office has developed specific standards to be met by a school age child care program to encourage services which strengthen family life and support families in their essential function of nurturing a child's development. The nature and scope of these regulations are based on the belief that every aspect of a school age child care program affects the children in its care. The philosophy, administrative policies, staff, physical facility, and its recreational and educational services all contribute to a child's everyday living environment, and should maintain a level of quality that promotes healthy development. The Office recognizes that school age child care programs already in existence may not currently comply with all requirements set forth in these regulations. Therefore, the regulations will become effective 6 months after the date of promulgation, and will be reviewed generally 2 years after. All school age child care programs shall register with the Office within 2 months after the date of promulgation. The Office will accept applications for licensure and provide technical assistance to providers for the 6 months preceding the effective date of the regulations.

11.02: Definitions

As used in these regulations, the following words shall have the following meanings unless the context requires otherwise:

- (1) Abuse. The non-accidental commission of any act upon a child which causes or creates a substantial risk of serious physical or emotional injury or constitutes a sexual offense under the laws of the Commonwealth.
- (2) Applicant. The individual who has been designated as the person responsible for the administration of the school age child care program and is a duly authorized agent of the person applying for licensure or approval.
- (3) Approval. A certification in writing, whether regular or provisional, issued by the Office to a department, agency, or institution of the Commonwealth or any political subdivision thereof which authorizes it to operate a school age child care program.
- (4) Child. Any person not more than 14 years of age or 16 years of age and with special needs.
- (5) Child with special Needs. A child not more than 16 years of age who, because of adjustment difficulties or attributes arising from intellectual, sensory, emotional, physical, or environmental factors or other specific learning disabilities, is or would be, unable to progress effectively in a regular school program. This may include, but not be limited to children with special needs as determined by an evaluation conducted pursuant to M.G.L. c. 71B, s. 3.

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- (6) Director. The Director of the Office for Children.
- (7) Full-time. At least 35 hours per week..
- (8) License. Any certification in writing, whether regular or provisional, issued by the Office to any person other than a department, agency, or institution of the Commonwealth or any political subdivision thereof, which authorizes such person to operate a school age child care program.
- (9) Licensee. Any person holding a license or approval issued by the Office.
- (10) Neglect. The failure, either deliberately or through negligence or inability, to adequately care for, protect, or supervise children. Neglect may include, but is not limited to failing to supervise staff; allowing children to abuse other children or failing to regulate access to children by non-staff.
- (11) Office. The Office for Children.
- (12) Parent. Father or mother, guardian, or person or agency legally authorized to act on behalf of the child in place of, or in conjunction with, the father, mother, or guardian.
- (13) Person. Any individual, partnership, corporation, association, organization or trust, or any department, agency or institution of the federal government or of the Commonwealth or any political subdivision thereof.
- (14) School Age Child. A child who is enrolled in kindergarten and is of sufficient age to enter first grade the following year; or an older child enrolled in a higher grade who is not more than 14 years of age. Special needs children shall qualify if not more than 16 years of age.
- (15) School Age Child Care Program. Any program or facility operated on a regular basis which provides supervised group care for school age children not of common parentage. Such a program may operate before and/or after school, and may also operate during school vacations and holidays. It provides a planned daily program of activities and is accountable for children for specifically identified blocks of time during the week, usually over a period of weeks or months. School age child care programs which relocate to a camp setting for the summer shall be subject to these regulations while children are based at the primary program facility. School Age Child Care Program shall not include: any programs operated by a public school system; any part of a program operated by an organized educational system for the children enrolled in that particular system, unless the services of such system are primarily limited to a school age child care program; a sunday school or classes for religious instruction conducted by a religious institution; a program or facility operated by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home or other private residence; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

11.03: Care of Children

- (1) Program Plan. The licensee shall establish a written plan describing the various activities of the program. The plan shall be made available upon request.
- (2) Supervision. Children shall be supervised at all times while in the care of the program. Supervision shall include awareness of and responsibility for the ongoing activity of each child and shall be exercised so as to ensure the health and safety of children in care.
 - (a) Indoors. Supervision shall enable children to engage in program activities with adult guidance available when requested or needed. A child may be allowed to participate in activities within the building and/or go to the bathroom independently, if he or she obtains staff permission.

11.03: continued

(b) **Outdoors.** No child or group of children shall be outside without adult supervision. Outdoor play must be directly supervised by staff in appropriate ratios as required by 102 CMR 11.07(4).

(3) **Requirements for Activities.** The licensee shall develop a program which provides an environment and experiences designed to promote the individual child's physical, intellectual, emotional, and social well being and growth.

(4) **Equipment.**

(a) The licensee shall have sufficient age-appropriate materials, and indoor and outdoor equipment and furnishings for the number of children enrolled at any one time and sufficient to provide an adequate variety of activities for each child throughout the day. The licensee shall provide ample storage space for materials and equipment. A variety of equipment shall be available and accessible to children.

(b) Equipment shall be sturdy, safely constructed, flame retardant, and free from hazards which may be dangerous to children.

(c) The licensee shall provide space for each child's personal belongings.

(5) **Nutrition.** The licensee shall ensure that children's nutritional needs are met in accordance with U.S.D.A. requirements. The licensee or parent(s) may provide for the nutritional needs. The licensee shall ensure that:

(a) One nutritional snack is provided for children in care more than 2 hours but less than 4 hours;

(b) One meal and one snack, or two snacks are provided for children in care 4 to 7 hours;

(c) One meal and two snacks are provided for children in care for more than 7 hours.

(6) **Food Preparation and Service.** The licensee shall:

(a) Store, prepare, and serve all food and beverages in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption;

(b) Store all food in clean, covered containers;

(c) Properly wash and sanitize all utensils and dishes;

(d) Dispose of milk or food unfinished by a child;

(e) Refrigerate readily perishable food or drink at or below 45° degrees fahrenheit. All readily perishable or readily contaminated hot food shall be kept at 140° degrees fahrenheit or above. Frozen foods shall be stored at 0° degrees fahrenheit or below.

(f) Allow children to eat at a leisurely rate and ensure that each child receives an adequate amount and variety of food;

(g) Maintain the food preparation area in a sanitary condition; empty and clean garbage receptacle(s) on a daily basis.

(h) When the licensee provides meals, the licensee shall comply with the Department of Public Health Service Regulations (105 CMR 590.000); prepare menus, post them weekly, maintain copies of the menus used. Menus shall be prepared or reviewed by a person who has had training in the nutritional needs of children and the USDA requirements for a nutritionally adequate diet.

(7) **Napping facilities.**

(a) The licensee shall ensure napping materials for each kindergarten age child who rests or takes a nap. At a minimum, the licensee shall ensure napping materials for 10 percent of the kindergarten enrollment.

(b) The licensee shall make space available for any other child who occasionally rests.

11.04: Health Policy and Procedures

(1) **Health Policy.** The licensee shall have a written health policy which shall address all health aspects of the program, including staff responsibilities for emergency and preventive health measures. Each staff member shall receive a copy of the policy and shall be trained in the implementation of the policy during staff orientation. Parents shall be notified of the policy prior to

11.04: continued

enrollment and shall be furnished a copy upon request. A copy of the policy shall be kept with the first aid kit(s). The policy shall be approved by the health consultant upon any change and at least yearly.

(2) Emergency and Health Information Posted. The licensee shall post the following emergency and health information:

- (a) The name, address, and telephone number of the physician or registered nurse available for emergencies and consultation) and the telephone number of the fire department, police, ambulance, nearest emergency facility, Poison Control Center, and, if applicable, designated adult pursuant to 102 CMR 11.07(4)(d). The described telephone numbers shall be immediately visible at each telephone.
- (b) Allergies for each child, as identified in 102 CMR 11.06(9)(a).
- (c) Emergency and evacuation procedures, as specified in 102 CMR 11.08(4)(d).

(3) Health consultant. The licensee shall have a Massachusetts licensed physician or registered nurse designated as the program's health consultant. The consultant shall approve the program's health policy and shall be available for consultation as needed.

(4) Health Requirements for Children.

- (a) The licensee shall admit a child only if provided written documentation that:
 - 1. Immunizations and physical examination according to public school health requirements (M.G.L. c. 76, s. 15) are on file with the child's school and
 - 2. Lead poisoning screening has been performed within the year prior to enrollment for children under 7 years of age.
- (b) Such screening shall not be required of any child whose parent or guardian states in writing that such procedures conflict with his/her sincere religious beliefs.

(5) Health Requirements for Staff.

- (a) The licensee shall require before employment of any staff member and, before counting a volunteer in the staff child ratio, the following certification from a physician:
 - 1. Evidence of a physical examination within one year prior to employment, or for current staff an examination within one year prior to the effective date of the regulations.
 - 2. Evidence of immunity for measles, mumps and rubella.
 - 3. Negative Mantoux TB test in accordance with current Department of Public Health regulations.
 - 4. Statement of physical limitations in working with children.
- (b) Such an examination shall not be required of any person who states in writing that vaccination or immunization conflicts with his/her sincere religious beliefs.

(6) Injury Prevention and First Aid.

- (a) The licensee shall document that all staff who care for children are certified, by the American Red Cross or other entity approved by the Office, in basic first aid within 6 months of employment.
- (b) The licensee shall assure that at least one staff member who is certified in first aid and cardiopulmonary resuscitation (CPR) is available on-site when children are at the program.
- (c) Prior to being assigned the sole responsibility of a group of children, staff shall be trained in the program's emergency procedures, including the emergency evacuation of the building.
- (d) The licensee shall maintain first aid kit(s) accessible to each major activity area.
- (e) The licensee shall inform parents in writing of any first aid administered to their child within 24 hours of the incident, and shall inform parents immediately of any injury which requires emergency care beyond first aid. An injury report for each incident shall be maintained in the child's file.

11.04: continued

- (f) The licensee shall maintain a central log of all injuries which occur during program hours and shall monitor the safety record of the program.
- (g) The licensee shall monitor the environment daily to immediately remove or repair any hazard which may cause injury.
- (h) The licensee shall develop procedures for injury prevention and management of medical emergencies during field trips.
- (i) The licensee shall hold practice evacuation drills with the children at least quarterly.

(7) Preventive Health Procedures.

- (a) The licensee shall implement infection control measures to prevent the spread of communicable diseases. The licensee shall follow exclusion policies for serious illnesses, contagious diseases and reportable diseases in conformance with regulations and recommendations set by the Division of Communicable Disease Control, Department of Public Health. Procedures shall include the notification of all parents in accordance with Department of Public Health recommendation.
- (b) The licensee shall maintain a quiet area for the care of mildly ill children.
- (c) The licensee shall ensure that children and staff wash their hands after toileting, after handling bodily secretions, and before eating or handling food. Soap and a method of drying hands shall be available next to washbasins. The use of common towels is prohibited.
- (d) The licensee shall wash and sanitize all table tops, counter tops, kitchen surfaces, and bathrooms, at least once daily.

(8) Administration of Medication.

- (a) No medication, whether prescription or non-prescription, shall be administered to a child without written parental authorization which indicates the medication is for the specified child.
- (b) All prescription medication shall be administered only with the written order of a physician (which may include the label on the medication).
- (c) The licensee shall keep a written record of the administration of any medication to each child which includes the time and date of each administration, the dosage, the name of the staff member administering the medication, and the name of the child. The completed medication record shall be made part of the child's file.
- (d) The licensee shall keep all medicine labelled in its original container, with the child's name, the name of the drug, and the directions for its administration and storage.
- (e) The licensee shall store all medications under proper conditions for sanitation, preservation, security and safety. All unused medication shall be disposed of or returned to the parent.

11.05: Program Services(1) Program Size. The licensee shall not admit or enroll, at any one time, more children than the licensed capacity of the program.(2) Parent Involvement.

- (a) Parent Visits. The licensee shall permit and encourage parents to visit the program and observe their child's activities while the child is present.
- (b) Parent Input. The licensee shall have a procedure for receiving and responding to parent input in the development of program and policy.
- (c) Parent Conferences. The licensee shall make the staff available for individual conferences with parents and/or teachers at parental request.
- (d) Communications with Parents. The licensee shall develop procedures for on-going communication with parents regarding their child's progress in the program.

(3) Enrollment Procedures. The licensee shall ensure that the program administrator or designee shall meet with the parent(s) and child prior to admitting a child to the program.

- (a) Prior to enrollment, the licensee shall provide to the parent(s) the

11.05: continued

program's written statements of purpose, intake procedures, services, transportation plan, procedures for parent conferences, visits, and input to program policy; procedures for behavior management; procedures for providing emergency health care; infection control policy and illness exclusion policy; and written information on the administrative organization of the school age child care program, including identification of lines of authority and supervision.

(b) The licensee shall provide the opportunity for the parent(s) and child to visit the program and meet the staff prior to the child's enrollment.

(4) Referral Services. The licensee shall have a written plan describing procedures for referring parents to appropriate social, mental health, and medical services for their children.

(5) Behavior Management.

(a) The licensee shall have a written statement defining rules, policies, and procedures for the behavior management of children. This statement shall reflect measures that are consistent, reasonable, and appropriate to a child's understanding and need.

(b) No child shall be subjected to abuse or neglect, cruel, unusual, severe, or corporal punishment including: any type of physical hitting inflicted in any manner upon the body; punishments which subject a child to verbal abuse, ridicule, or humiliation; denial of food, rest or bathroom facilities, punishment for soiling, wetting or not using the toilet, or punishment related to eating or not eating food.

(6) Transportation.

(a) The licensee shall have a written transportation plan of procedures and responsibilities for transporting children:

1. To and from the program, including children who walk,
2. In an emergency, and
3. On field trips.

(b) The licensee shall have written parental consent for each child whose transportation differs from the plan in 102 CMR 11.05(6)(a).

(c) All drivers and all passengers shall be securely and individually fastened in safety belts while riding in a vehicle equipped with safety belts.

(d) The licensee shall provide that any vehicle used by the program for the transportation of children, and the driver thereof, shall conform to the pertinent requirements of M.G.L. c. 90, Registry of Motor vehicles (540 CMR 2.17).

(e) The operator of any vehicle used by the program to transport children shall be licensed in accordance with the laws of the state and be subject to the same health and background requirements as other program staff members.

(f) Any vehicle used by the program for transportation of children shall be inspected in accordance with the laws of the state.

(g) No vehicle, whether program owned, leased, or contracted, and no staff member's vehicle shall be used to transport children unless the licensee can provide evidence of the following minimum amounts of liability insurance:

1. Injury per person \$100,000
2. Injury per accident \$300,000
3. Property damage \$ 5,000

11.06: Administration of School Age Child Care

(1) Statement of Purpose. Each licensee shall keep and maintain a written statement of purpose identifying the program's philosophy, goals and objectives, administrative organization indicating lines of authority, characteristics of the children served (including but not limited to age and special needs), and services provided.

(2) Statistical Report. The licensee shall submit annually a statistical report to the Office. Said report shall be on forms designated by the Office and shall include, but not be limited to, information concerning the average daily number of children attending the program and their ages.

11.06: continued

(3) Non-Discrimination. The licensee shall not discriminate in providing service to children and their families on the basis of race, religion, cultural heritage, political beliefs, handicap, or marital status. A statement that the program does not discriminate on these bases shall be made part of the written statement of purpose.

(4) Organization. Each licensee shall have documentary evidence of its source of authority to operate the program.

(a) A program operated by the Commonwealth or any political subdivision thereof shall keep and maintain documents that identify the statutory basis of its existence, and the administrative framework of the governmental departments in which it operates.

(b) A private facility shall keep and maintain documents that completely identify its ownership. Corporations, partnerships, associations, or sole proprietorships shall identify their current officers and board members, if any. Where applicable, documents shall include, but not be limited to, copies of all papers filed with the Secretary of State of the Commonwealth and/or any political subdivision of the Commonwealth.

(5) Financial Documentation. The licensee shall have a projected one-year operating budget and documentation of sufficient funding for at least 2 months.

(6) Prevention of Abuse and Neglect.

(a) The licensee shall protect children from abuse and neglect while in the program's care and custody.

(b) The licensee shall develop and follow written procedures for the reporting of any suspected incidents of child abuse and neglect. The procedures shall include:

1. All staff shall report suspected child abuse or neglect. The report shall be made either to the Department of Social Services pursuant to M.G.L. c. 119, s. 51A, or to the licensee's program administrator or designee.

2. The licensee's program administrator or designee shall immediately report suspected abuse or neglect to the Department of Social Services, pursuant to M.G.L. c. 119, s. 51A.

3. The licensee's program administrator or designee shall notify the Office immediately after filing a 51A report, or learning that a 51A report has been filed, alleging abuse or neglect of a child while in the care of the school age child care program or during a program related activity.

(c) The licensee shall cooperate in all investigations of abuse and neglect. Cooperation includes identifying parents of children currently or previously enrolled in the school age child care program; providing consent for disclosure to the Office of information from, and allowing the Office to disclose information to, any person and/or agency the Office may specify as necessary to the prompt investigation of allegations and the protection of children. Failure to cooperate may be grounds for suspension, revocation, or refusal to issue or renew a license.

(d) The licensee shall develop and maintain written procedures for handling any suspected incident of child abuse or neglect, which includes but is not limited to ensuring that an allegedly abusive or neglectful staff member does not work directly with children until the Department of Social Services investigation is completed and for such further time as the Office requires.

(7) Personnel.

(a) The licensee shall have current written personnel policies and procedures. A copy shall be provided to all employees. Such personnel policies shall include a description of:

1. Criteria and procedures for hiring, promotion, probation periods, disciplining, suspension, or dismissal of an employee;
2. Procedure for handling complaints from staff;
3. Procedure for handling complaints about staff;
4. Provisions for vacation, holidays, leaves, and sick days;
5. Hours and duties of all job positions.

11.06: continued

- (b) The licensee shall describe in writing a salary range, including benefits, covering all positions and shall provide each employee with information regarding the salary range for his/her position or the procedure for determining his/her salary.
- (c) The licensee shall obtain evidence that employees and volunteers are currently certified, licensed, or registered, where applicable laws require certification, licensure, or registration.
- (d) The licensee shall maintain a personnel record for each staff member, both paid and volunteer, who has direct contact with children. The record shall include, but not be limited to:
 1. Employee's resume or job application.
 2. Documentation of education, documentation of employment history and a record of reference verification.
 3. Documentation of completed CORI evaluation, as required by 102 CMR 11.07(l)(a)-(b).
 4. Health records as required by 102 CMR 11.04(5).
- (e) The licensee shall conduct at least an annual written evaluation of the performance of each staff member.
- (f) The licensee shall provide orientation for all new employees and volunteers. The licensee shall describe, in writing, the program's plan for staff orientation which shall include at a minimum, but not limited to, the program's policies and procedures. No new employee or volunteer shall supervise staff or be solely responsible for children in care until s/he has received the minimum orientation described above.
- (g) Each licensee shall describe, in writing, the program's plan for regular staff meetings. The licensee shall document a minimum of 12 hours of staff meeting time per calendar year.
- (h) If volunteers are used, the licensee shall describe, in writing, its plan for using volunteers.

(8) Business Management. The licensee shall establish a system of business management and record keeping to ensure that the program maintains complete and accurate accounts and records.

(9) Children's Records and Confidentiality. A legible, current, and confidential record must be maintained on each child enrolled in the program. The record must be made available to the child's parent(s) or to the Office upon request. The licensee shall require the parent to provide written authorizations, consents, and information required by these regulations, prior to enrollment, which shall be made part of the child's record. Written consent and authorization shall be valid for 1 year unless withdrawn prior to that time in writing. Records shall be maintained for a period of 5 years following a child's termination from care, and shall include, but not be limited to:

- (a) An information form with child's name, date of birth, date of admission, parent(s) name and home address, business address and work hours, telephone number(s), a physical description or a current photograph of the child, name of school child attends, any special limitations or concerns, including dietary restrictions, allergies, and chronic health conditions.
- (b) How to reach the parent(s) and a relative or friend authorized to take the child from the program in case of an emergency.
- (c) Parental consent for first aid and transportation to an emergency care facility.
- (d) Documentation from parent(s) that immunization and physical examination records are on file with their child's school as required in 102 CMR 11.04(4)(a)1.
- (e) Name, address and telephone number of physician or source of health care.
- (f) Parental consent for each course of medication administered.
- (g) Log(s) of medicine administered and injury reports.
- (h) Observations of and correspondence about the child's health.
- (i) Parental consent for alternative transportation plans including parental designation of any person authorized to take the child from the program or receive the child at the end of the day. Parental consent for the child to leave the program for any other purpose, which shall specify the activity.

11.06: continued

time, method of transportation, and parental responsibility for the child once s/he leaves the program.

(j) Parental consent for field trips.

(k) Documentation of referrals made pursuant to 102 CMR 11.05(4).

(10) Research and Experimentation. No licensee shall conduct research or experimentation involving children without the written, informed consent of the affected child's parents for each occurrence. In programs where observations of children (by anyone other than parents of the children in the program) are common, a general parental consent may be obtained in writing. Observation shall mean that there is no interaction between the child and the observers and no identification of the individual child. In no case shall the licensee allow physical harm to children during research or experimentation. Research and experimentation shall not mean program evaluation or data collection for purposes of documenting services of the program which do not identify individual children.

(11) Unauthorized Activities. The licensee shall not, without written parental consent, authorize any activities, or contacts, with the children or parent(s), unrelated to the provision of child care. Activities or contacts shall include, but not be limited to fund raising, publicity, media interviews and photographs.

11.07: Staff

(1) General Requirements. The licensee shall have employees and volunteers who, by prior education, training, experience and interest in school age children and their families, are appropriate to their staff position) and who meet the needs of the children in their care.

(a) Employment Background Information. Each person employed by the licensee, who has unmonitored contact with children, shall have a background free of conduct which, in the judgement of the licensee, bears adversely upon his or her ability to provide for the safety and well-being of a child(ren). The licensee shall determine whether an employee's or potential employee's conduct, criminal or otherwise, shall disqualify that person from employment in the program. In making a determination, the licensee has consider at least the following conduct:

1. Engaging in, or having engaged in conduct which results in his/her child being adjudicated to be in need of care and protection.
2. Use of alcohol or drugs to an extent or in a manner that is determined by the licensee to impair the staff person's ability to care for children properly.
3. Having engaged in conduct which results in a criminal conviction included in a relevant CORI (Criminal Offender Record Information) report, or engaging in, or having engaged in, any other conduct, criminal or otherwise, determined by the licensee, to impair the individual's ability to care for children.

a. A relevant CORI report will consist of those convictions which the Office for Children determines may affect the individual's ability to have contact with children in a licensed facility or program.

b. A relevant CORI report may consist of convictions for any offense involving sexual or physical abuse, any offense involving children, and certain violent or drug-related crimes.

c. The licensee shall request a relevant CORI report for only those employees who will have unmonitored contact with a child(ren). Unmonitored contact shall be defined as being alone with one or more children for longer than 5 minutes in a licensed program with no other staff member or volunteer in the immediate area within sight or within hearing distance; or removal of a child(ren) from the licensed premises by an individual without the presence of another staff member or volunteer in the immediate area.

(b) Procedures to obtain and review relevant CORI reports:

1. The licensee shall obtain from those employees identified in 102 CMR 11.07(1)(a)3c a completed CORI affidavit.

11.07: continued

2. Each licensee shall submit to the Office the names of employees in 102 CMR 11.07(1)(b)1 with their completed affidavits.
3. The Office shall provide the relevant CORI report to the employee and shall notify the licensee that such report exists. Within 5 business days of receipt of notification, the employee and the licensee must review the report in order for the licensee to determine whether the conviction(s) disqualifies the employee from having unmonitored contact with children. After the review of the report, the licensee shall return to the Office both its notification and the employee's report.
4. If the employee does not provide his/her CORI report to the licensee, the licensee must return its notification to the Office within 5 working days.
5. Each licensee shall ensure that employees shall not have unmonitored contact with a child(ren) until the licensee determines that the requirements of 102 CMR 11.07(1)(a) and (b) are met.

(2) Administrative Responsibility.

- (a) The licensee shall designate in writing a person or persons who shall function as:
 1. A program administrator who shall have overall responsibility for the operation of the program and who shall be authorized to act as the licensee's agent; and
 2. An on-site coordinator for each site.
- (b) If administrative functions are carried out by more than one person, the program shall detail, in writing, how the administrative duties shall be carried out by designated individuals.
 1. Programs with licensed capacities of more than 52 shall have the equivalent of a full-time administrative position.
 2. Programs with licensed capacities of 52 or fewer shall have the equivalent of a half-time administrative position.
- (c) The program administrator of a multi-site school age program must be employed full-time in that administrative capacity regardless of licensed capacity.

(3) Staff Qualifications.

- (a) Program Administrator. A program administrator shall be responsible for: orientation, training, supervision, and evaluation of program personnel; program design, philosophy, and daily operation; development of policies and procedures for the program; and evaluation of the program. A program administrator shall be at least 21 years of age and have 10 hours of training, approved by the Office, pertinent to the social, educational, recreational, or developmental needs of school age children and meet one of the following requirements:
 1. Have a minimum of a Bachelor's Degree in Child Development, Early Childhood Education, Elementary Education, Child Guidance, Human Services, Nursing, Psychology, Physical Education, Recreation, Child Psychology, the Arts, Social Work, Sociology or Child Care) have 6 months of at least half-time experience working with school age children; 6 months of at least half-time administrative experience or evidence of satisfactory completion of at least 9 credits in management or administration subject areas from an accredited institution of higher education or approved by the Office) or
 2. Have a Bachelor's Degree in any field or an Associate's Degree in any of the fields of study listed in 102 CMR 11.07(3)(a)1 above; have 18 months of at least half-time experience working with school age children; and at least 6 months full- or half-time administrative experience or have evidence of satisfactory completion of a least 9 credits in management or administration subject areas from an accredited institution of higher education or approved by the Office; or
 3. Have a high school diploma or equivalent; have 4 years of at least half-time experience working with children, two-thirds of which is with school age children; have 1 year of at least half-time administrative experience or have evidence of satisfactory completion of 9 credits in management or administrative subject areas from an accredited institution of higher education or approved by the Office.

11.07: continued

(b) Site Coordinator. A site coordinator shall be responsible for: the daily program, safety, and well-being of children; supervision and evaluation of staff; staff training; and parent communication. The site coordinator reports to the program administrator. The site coordinator shall be at least 20 years of age, have 10 hours of training, approved by the Office, pertinent to the social, educational, recreational, or developmental needs of school age children and meet one of the following requirements:

1. Have a minimum of a Bachelor's Degree in Child Development, Early Childhood Education, Elementary Education, Child Guidance, Human Services, Nursing, Psychology, Physical Education, Recreation, Child Psychology, the Arts, Social Work, Sociology, or Child Care; and have 6 months of half-time experience working with school age children or
2. Have a Bachelor's Degree in any field or an Associate Degree in any field of study listed in 102 CMR 11.07(3)(b)1 above) and have 9 months of at least half-time experience working with school age children or
3. Have a high school diploma or equivalent; and have 1 year of at least half-time experience working with school age children.

(c) Designation of Kindergarten Coordinator Responsibility

1. Whenever kindergarten children are present, the licensee shall designate a person(s) as kindergarten coordinator who shall provide a written plan for program development, daily activities, equipment, staff supervision and training related to kindergarten children. The responsibilities of kindergarten coordinator can be delegated to a staff person(s) having other responsibilities.
2. Each kindergarten coordinator, as defined in 102 CMR 11.07(3)(c)1 shall be at least group leader qualified, have a minimum of 3 months of their required experience with preschool and/or kindergarten-age children and shall have successfully completed one course in child growth and development offered by an institution of higher education or approved by the Office.

(d) Group Leader. A group leader shall be responsible for activity design, supervision of children, daily attendance, provision of food, safety and well-being of children, and awareness of whereabouts of every child in his/her charge. The group leader reports to the site coordinator and/or program administrator. A group leader shall be at least 18 years of age, have completed 5 hours of training, approved by the Office, pertinent to the social, educational, recreational, or developmental needs of school age children and meet one of the following requirements:

1. Have a Bachelor's Degree or an Associate's Degree; and have 3 months of at least half-time experience working with school age children; or
2. Have a high school diploma or equivalent; and have 6 months of at least half-time experience working with school age children including 3 months of in-service training under the supervision of the program administrator, or
3. Have at least 6 months of half-time experience with school age children and 3 months of in-service training under the supervision of the program administrator.

(e) Assistant Leader. An assistant leader assists the group leader in carrying out his/her responsibilities and works under the guidance of the group leader. Assistant leaders under the age of 18 must work under the direct supervision of the group leader. This person(s) shall be at least 16 years of age and meet one of the following requirements:

1. Have a high school diploma or equivalent; or
2. Be currently enrolled in a high school program or equivalent; or
3. Be 18 years of age or over.

(4) Staff Ratios: Groupings: Supervision.

(a) The minimum required staff to child ratio is 1 staff person to each 13 children.

(b) Staff meeting the qualifications of program administrator, site coordinator, group leader and assistant group leader over 18 years of age, may be counted in the required ratio only for the time they are directly responsible for a group of children.

11.07: continued

- (c) Assistant leaders under the age of 18 shall not be counted in the staff to child ratios unless:
 - 1. Supervised by a group leader who is not also responsible for his or her own group of children, or
 - 2. Supervised by a group leader who is responsible for his or her own group of children and who supervises only one assistant leader.
- (d) When more than 8 children are present a second staff person shall be available in the building. When 8 or fewer children are present, the staff person responsible shall be at least group leader qualified and a second staff person or designated adult shall be immediately available.
- (e) When more than 8 children are taken off premises, they shall be accompanied by at least 2 staff persons, one of whom is group leader qualified and certified in first aid. When 8 or fewer children are taken off premises the accompanying staff person shall be at least group leader qualified and certified in first aid.
- (f) The requirements of (d) and (e) above are inapplicable to transportation to and from the program.

11.08: Physical Facility

- (1) Inspections. The licensee shall comply with building, health and fire codes applicable to the building(s).
- (2) Required Documentation. The licensee shall submit evidence to the Office prior to licensure that all required inspections have been completed and are in compliance.
- (3) Space Requirements.
 - (a) General. If the school age child care program is part of a facility that has functions other than school age child care, the school age group shall have space of its own, apart from other groups, during the time that it operates.
 - (b) Indoor Space. The licensee shall have access to a minimum of 35 square feet of usable space per child exclusive of wash and toilet rooms, closets, offices, or areas regularly used for other purposes. Measurable space includes all space used for program activities, including e.g., gymnasium, special activity areas, cafeteria rooms, pools, and other space designated for regular use by children in the program. If a swimming area is counted in the above space, there must be other available space (at the minimum of 35 square feet per child) to accommodate at least one-half the total enrollment.
 - (c) Outdoor Space. The licensee shall maintain, or have access to, an outdoor play area of at least 75 square feet per child at the time of use, with sufficient area to accommodate at least one-third of the licensed capacity at one time.
- (4) Safety Requirements.
 - (a) The buildings and equipment shall be maintained in good repair and in a sanitary condition and free from sharp or protruding objects and other health and safety hazards.
 - (b) All potentially hazardous materials must be correctly labeled and stored in an approved manner in a secure place and accessible only to adults. Potentially hazardous materials may be used by children, only for special projects and with adult supervision.
 - (c) The outdoor play space shall be free from hazards. Any hazard shall be fenced, protected or removed, as appropriate; or the licensee shall demonstrate how children are protected from outdoor hazards in areas where such hazards exist.
 - (d) Children on the premises shall be protected by an emergency plan, including designation of an immediately available adult whenever 102 CMR 11.07(4)(d) is applicable. Staff shall be familiar with emergency procedures. Emergency procedures shall be posted conspicuously and practice evacuation drills shall be held quarterly with the children.

11.08: continued

(5) Toilets and Washbasins.

- (a) The licensee shall provide at least 1 toilet and washbasin for every 20 children.
- (b) Toilet facilities shall afford adequate privacy. The facilities shall not be available to the public at such times they are used by the children, unless children are accompanied by a staff person.

(6) Water. The water supply shall be from a municipal source or from a source approved by the appropriate state authority or subdivision. The licensee shall provide both hot and cold running water in washbasins used by the children. There shall be a temperature control to maintain hot water temperatures between 110° degrees and 120° degrees Fahrenheit.

(7) Room Temperature. Temperature in rooms occupied by children shall be maintained at not less than 65° degrees Fahrenheit; and at not more than the outside temperature when the outside temperature is above 80° degrees Fahrenheit.

11.09. Licensure

(1) Operation Without a License or Approval. No person shall operate a school age child care program without a license or approval issued by the Office.

(2) Application. Any person who wishes to establish and maintain a school age child care program shall file a written initial or renewal application with the Office in a manner, and on forms, provided by the Office. The applicant shall have a background which, in the judgement of the Office, is free of conduct which bears adversely on his/her ability to care for children.

(3) Renewal. Any person seeking to renew a license or approval shall file a written application for such renewal with the Office in a manner, and on forms, provided by the Office not less than 30 days prior to the date of expiration of his/her current license or approval. If a renewal application has been filed, a license or approval, or provisional license or approval, shall remain in effect until a determination is made by the Office on the status of the license.

(4) Action by the Office. The Office shall review the application and other information required by these regulations. The Office shall issue, or renew, a license or approval if it finds that the applicant is in compliance with these regulations.

(5) Terms of License.

- (a) A regular license or approval is valid for 2 years from the date of issuance unless revoked, suspended, or made probationary. A provisional license is valid for 6 months from the date of issuance unless revoked, suspended or made probationary. A provisional license may be renewed for no longer than 6 months.

- (b) A license or approval shall not be transferred from one licensee to another; from one program to another; from one location to another; or from one owner to another.

- (c) A license or approval issued by the Office shall be conspicuously posted by the licensee.

(6) Application Fee. The application shall be accompanied by a check made payable to the Commonwealth of Massachusetts. A fee schedule can be obtained from the Office.

(7) Regular License. A person seeking to apply for or to renew a regular license shall comply with all regulations and shall submit an application for licensure and the following:

- (a) A statement of the ownership of the program, including the names and addresses of all owners, or, in the case of corporations, the officers as required by 102 CMR 11.06(4).

- (b) A statement of purpose as required by 102 CMR 11.06(1).

11.09: continued

- (c) A statement of the program's personnel policies as required by 102 CMR 11.06(7)(a).
 - (d) A written plan for staff orientation as required by 102 CMR 11.06(7)(f) and a plan for staff meetings as required by 102 CMR 11.06(7)(g).
 - (e) A copy of the health care policy as required by 102 CMR 11.04(1).
 - (f) Evidence of ability to provide an administrative designee and appropriate staff supervision and ratios as required by 102 CMR 11.07(2)(a) and (b) and 102 CMR 11.07(4).
 - (g) The applicant's CORI affidavit and evidence of compliance with the staff requirements of 102 CMR 11.07(1) (a) and (b).
 - (h) A statement defining rules, policies, and procedures for the behavior management of children as required by 102 CMR 11.05(5)(a).
 - (i) A program plan as required by 102 CMR 11.03(1).
 - (j) Evidence that required inspections have been completed and are in compliance as required by 102 CMR 11.08(1) and (2).
 - (k) Salary ranges as required by 102 CMR 11.06(7)(b).
 - (l) Evidence that personnel are currently certified, licensed, or registered where applicable as required by 102 CMR 11.06(7)(c) and meet the appropriate staff qualifications as required by 102 CMR 11.07(3).
 - (m) Plan for the referral of parents and children to appropriate social, mental health, and medical services as required by 102 CMR 11.05(4).
 - (n) Plan for the transportation of children including parent/program responsibilities as required by 102 CMR 11.05(6).
 - (o) Financial documentation as required by 102 CMR 11.06(5).
- (8) **Requirements for Provisional License.** If the Office finds that the applicant has not complied with, or is unable to comply with, all applicable regulations, the Office may issue a provisional license provided that care given in the program is adequate to protect the health and safety of the children, and that the applicant provides the documents required for a regular license set out in 102 CMR 11.09(7)(a)-(j) above.
- (9) **Variances.**
- (a) The Office may, upon written request, grant a variance for a particular regulation, with the exception of 102 CMR 11.09(7)(a)-(j) if the applicant provides clear and convincing evidence which demonstrates to the satisfaction of the Office that the applicant's alternative method will comply with the intent of these regulations. The Office may consider any evidence relevant to the request for a variance.
 - (b) A variance shall remain in effect for a specified time period not to exceed the duration of the license unless the Office receives or finds evidence that the terms of the variance have been violated or the program is not complying with the intent of 102 CMR 11.00.
- (10) **Visits by the Office.**
- (a) Any employee of the Office authorized by the Director may, at any reasonable time, with or without notice to the program, visit and inspect any program operated by a person who is subject to licensure or approval by the Office in order to determine whether such program is being operated in compliance with the applicable law and with these regulations.
 - (b) Any employee of the Office authorized by the Director may make oral and written inquiries to determine whether a program is being operated in compliance with these regulations.
 - (c) The operator of the program shall make available any information requested by the Office to determine compliance with these regulations by providing access to program facilities, records, staff, and references.
- (11) **Complaint Investigations.** A person duly authorized by the Director may be accompanied by an employee of any department or agency of the Commonwealth during the Office's investigation process if the Office and said department or agency of the Commonwealth have agreed to conduct a joint investigation.

11.09: continued

(12) Notification of Legal Proceedings. The licensee shall report, in writing, to the Office within 5 days of the initiation of any legal proceeding brought against him/her or any person employed by the program, if such proceeding arises out of circumstances related to the program's care of children or to its continued operation.

(13) Notification of Death or Serious Injury. The licensee shall immediately report to the Office the death or hospitalization of any child which occurs during the hours the child is in care and shall send a written report within 48 hours of such death or hospitalization.

(14) Notification of Change in Ownership or Program Administrator. The licensee shall provide written notification to the Office at least 30 days prior to a change in ownership of the program, or any change in the person designated as having responsibility for administration of the program.

(15) Notification of Change of Location. The licensee shall provide written notification to the Office at least 30 days prior to any change in location of the program.

(16) Availability of Regulations. The licensee shall have a copy of these regulations on the program premises and shall make them available to any person upon request.

11.10: Sanctions and Adverse Action

(1) Enforcement Procedures. Whenever a duly authorized employee of the Office finds, upon investigation, or through information in his/her possession, that a program licensed or subject to licensure pursuant to 102 CMR 11.00 is not in compliance with these regulations, the Office may send any or all of the following:

(a) Visit Report notifies the licensee of the observations made during a visit, and regulation(s) violated. The report may include the method for compliance and a time frame for compliance. The licensee shall submit a written plan for compliance, signed by the licensee and returned to the Office within 30 days.

(b) Deficiency Correction Order is identified as such on the face of the document. Every such correction order shall be in writing and shall include a statement of the deficiencies found, the provisions of law and regulation relied upon, and the period within which the deficiency must be corrected. The period shall be reasonable and, except when the Office finds an emergency dangerous to the health or safety of children, not less than 30 days from receipt of such order.

1. Within 7 days of receipt of a deficiency correction order, the licensee may file with the Director a written request for administrative reconsideration. The request shall state the reason why the correction order should be rescinded or modified. A request for administrative reconsideration shall not alter the time required for compliance with the correction order.

2. Within 7 working days after receipt of the request for reconsideration, the Office shall grant, deny, or otherwise act on such request.

3. Upon the expiration of the time frame(s) prescribed in a correction order, a duly authorized employee of the Office will reinspect the program and/or documents required by the deficiency correction order to determine compliance with these regulations. If, upon reinspection, a determination of non-compliance is made, the Office may issue a second deficiency correction order or an order to show cause, in accordance with M.G.L. c. 28A, s. 13.

(c) Order to Show Cause notifies the licensee of substantial violation of applicable regulations. The Order to Show Cause shall be issued in accordance with 102 CMR 11.10(1) and (2).

(d) A Deficiency Correction Order and/or an Order to Show Cause must be conspicuously posted in view of all parents and visitors.

11.10: continued

(2) Probation, Suspension, Revocation, and Refusal to Issue or Renew Licenses and Approvals. Subject to the requirements of M.G.L. c. 30A, the Office may make probationary, revoke, suspend, refuse to issue, or refuse to renew a license or approval if the applicant or licensee has:

- (a) Failed to comply with any applicable regulation or any correction order or terms of probation;
- (b) Furnished or made any misleading or false statements or report required under 102 CMR 11.00;
- (c) Refused to submit any report or make available any records required under 102 CMR 11.00; or
- (d) Refused to admit any employees of the Office authorized by the Director, for purposes of investigation or inspection in accordance with 102 CMR 11.00.
- (e) No applicant shall be eligible for licensure by the Office for 5 years after suspension, revocation, or refusal to issue or renew a license or approval.

(3) Hearings.

- (a) A hearing may be requested by an applicant to whom the Office has refused to issue an approval or a license or by a licensee whose approval or license the Office proposes to make probationary, revoke, suspend, or refuse to renew.
- (b) The applicant or licensee may request a hearing by filing a notice of claim for a hearing and answer within 21 days of receipt of the Office's notice.
- (c) Prior to or during the hearing, the Office and the licensee or applicant may agree to enter into a consent decree. A program operating under a consent decree may be issued a probationary license. A consent decree shall be posted at the program next to the license.
- (d) The hearing officer shall issue a recommended decision. Final agency decisions shall be issued by the Director or designee. Unless otherwise provided in 102 CMR 11.00, hearings shall be in accordance with the provisions of 801 CMR 1.01 and 1.03.

(4) Suspension in Emergencies.

- (a) The Office may suspend or refuse to issue any license or approval without a hearing if the licensee's failure to comply with any applicable regulation results in an emergency situation endangering the life, health, or safety of children in the program. The Office shall send written notification either hand delivered or mailed to the licensee, first class certified, return receipt requested. If a licensee delivers a written request for a hearing within 5 business days after receipt of notice of emergency suspension, a hearing shall be held within 10 business days of the delivery of such request. The suspension shall remain effective pending such a hearing.
- (b) The sole issue at the hearing shall be whether there is reasonable cause to believe that an emergency situation exists.
- (c) The licensee shall notify parents with children enrolled in the program of any refusal to issue or suspension of a license or approval within 2 business days of receipt of notice from the Office.

(5) Return of License. Upon revocation or suspension, the licensee shall immediately return the license or approval to the Office.

11.11: Applicability of Standards

(1) Effective Date. The effective date of these standards is 6 months after the date of publication by the Secretary of the Commonwealth.

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11.11: continued

(2) Severance. If any provision contained in these regulations or the application thereof is held invalid to any person or circumstances, the remainder of these regulations and the application of the provision in question to other persons not similarly situated, or to other circumstances, shall not be affected thereby.

REGULATORY AUTHORITY

102 CMR 11.00: M.G.L. c. 28A, s. 10.

APPENDIX E :
FORM FOR BUDGET REQUEST

Agency _____

Facility _____

Child Care Center Development

I. Attached is our current information on the status of your previous requests and child care projects for your facility. Please review and update, complete or correct the information as necessary. Corrections and deletions should be made directly on the information sheet we have provided.

II. Child care needs assessment:

Please fill out this portion of the form regardless of whether you have a funding request.

A. Employees/students:

	Full Time Employees Students	Part Time Employees Students
1. Total number of employees, regardless of status, and number of students in Regents institutions	_____ _____	_____ _____
2. Number of parents (of children under 6)	_____ _____	_____ _____
3. Number of employees you expect to use an on-site child care center within the next 3 years	_____ _____	_____ _____

B. Times of operation:

1. Shifts or times that child care is needed:
2. Days of the week that child care is needed:

Agency _____

Facility _____

C. Current availability of child care centers:

1. Is a child care center located at your facility?

If yes, what is the total licensed capacity?

What age groups do you serve?

What is the average number of vacancies during the year?

How many on a waiting list?

Do you serve your employees only?

If no, who else uses your facility?

2. Are there other state agencies occupying space in your facility or located nearby that would be interested in using a child care center located at your facility?

If yes, what agencies?

Where are they located?

Total number of employees in each agency?

3. Are there other state facilities with child care programs located near your facility?

If yes, what facility or facilities?

What is the licensed capacity?

What age groups are served?

What is the average number of vacancies during the year?

How many on a waiting list?

4. What percentage of your employees have been successful in locating satisfactory child care?

Agency _____

Facility _____

D. Unique circumstances:

1. Are there any circumstances unique to your facility that may affect the need for on-site child care? (for example, extreme difficulty in hiring and keeping employees that may be ameliorated by the provision of child care)

If yes, please explain.

2. List any special circumstances which will affect your agency's operation of a child care center (for example, a need for double shift care, or special language or programmatic needs).

3. Please give the name and phone number of the contact person coordinating your child care committee.

Name:

Title:

Phone:

III. Child care request back-up

For new requests or new information on the need for child care, please answer the following questions. Please complete a separate form for each facility and/or request.

Please Note: Provision of capital funds for child care center space does not ensure state provision of operating funds.

1. How many new or additional child care slots will be created by this project?

	new		additional
infants	_____		_____
toddlers	_____		_____
pre-schoolers	_____		_____

Agency _____

Facility _____

Please complete only one of the following sections:

2. Small projects

For minor renovation projects with an estimated construction cost of ~~\$25,000 or less~~ or less, please detail the work to be accomplished by the project and state the source(s) of your cost estimates. (If a formal study has been done, please give the study number, title and date of completion)

Project description:

Cost estimate:

(Please attach any supporting cost information.)

Source of estimate:

Date of estimate:

What is the proposed location of this project?
(Please attach a floor plan of the proposed site.)

What is the approximate square footage of this space?

3. Study

A certified study is necessary before funds can be appropriated for a DCPO construction project. Are you now requesting a study?

If yes, please submit your request on the Study Request Back-up Form

Agency _____

Facility _____

4. Renovations to existing facility

If a study is complete and approved, are you now requesting funds for child care renovations?

If yes, please give the following information:

- a) The project number and date of the completed and approved study
- b) What is the total project cost of the project (from the study)
- c) If this amount is not based on a study, specify the source, date and method of cost estimate.

5. New construction

Are you now requesting funds for the construction of a new facility to house a child care program?

If yes, please submit your request on the Major Capital Request Back-up Form.

